

# Study on the sharing of information and reporting of suspicious sports betting activity in the EU 28

A study for DIRECTORATE-GENERAL EDUCATION AND CULTURE, Directorate  
Youth and Sport, Unit Sport

FINAL REPORT



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### *Disclaimer*

*The report is produced by Oxford Research of Denmark and law Professor Marjan Olfers of VU University Amsterdam with input from Professor in Criminology Toine Spapens of Tilburg University and Professor in Internet Governance and Regulation Arno Lodder of VU University Amsterdam.*

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## Abstract

The study focuses on the regulation of information collection, storage, and sharing of information on suspicious sports betting activity, examining both formal regulations imposed through the legal and official **regulatory system** in each of the EU 28 Member States, along with industry-led **self-regulatory** approaches. While it is less common for Gambling Authorities to have a direct obligation to collect and process information on suspicious sports betting activity, gambling operators do frequently have an obligation to report to the gambling regulator.

Determining the existence of suspicious betting patterns requires a mix of top-down statistical approaches to monitoring the betting markets, supplemented by investigative processes, expert level knowledge of a particular sport or market, and in many cases, common sense. **It is inherently infeasible for a single agency or type of organisation to be in a position to carry out this triangulation on its own.** To establish an efficient framework for protecting betting integrity, the key parts must all collaborate through the sharing of information.

**Information sharing is fundamental to protecting the integrity of the betting industry and the associated sports.** Specific barriers to information sharing generally fall into two types: **legal barriers** and **practical barriers**. Despite a common EU framework for data protection being in place, legal barriers vary by Member State. If personal data is affected, such data can only be shared if the necessary legal requirements and formal processes are observed.

**The creation of a linked network of National Platforms**, as suggested by the Council of Europe in the draft convention on match-fixing, could solve some of the practical problems related to sharing of information across borders. The EU could play a key role in securing an efficient implementation of the national platforms.

Although sharing of information is regulated by the European Union Data Protection Directive of 1995 it is **unclear what information can be shared in which circumstances** and there is little precedent from previous legal cases to guide parties. This causes many parties to be risk averse to avoid breaching the law. The EU could initiate work to establish clearer guidelines and facilitate a smoother sharing of information among key actors who could come in possession of personal information related to match fixing.



## Résumé

L'étude porte sur la réglementation de la collecte, la conservation et le partage d'informations dans le domaine de l'activité des paris sportifs suspects; les réglementations formelles imposées par les lois et les règlements de chacun des 28 pays membres de l'UE, ainsi que les initiatives d'**autorégulation** du secteur seront étudiées. Tandis que les Autorités des Jeux d'Argent de chaque État Membre n'ont pas toutes l'obligation directe de collecter et de traiter les informations sur les paris sportifs suspects, les opérateurs de sites de paris en ligne sont fréquemment tenus de rendre compte au régulateur des jeux d'argent.

Une approche statistique descendante de la surveillance des marchés des paris, complétée par un système d'investigation, des connaissances expertes d'un sport ou d'un marché en particulier, ainsi que, dans de nombreux cas, du bon sens, sont les éléments nécessaire à établir l'existence d'une activité de paris sportifs suspects. Une triangulation des données est essentielle. **Il est fondamentalement impossible pour une agence unique, ou un seul type d'organisme d'être en mesure de mettre en œuvre cette triangulation.** Les acteurs clés du secteur doivent tous collaborer pour établir un cadre efficace de préservation de la sincérité des paris.

**Le partage d'informations est essentiel à la protection de la sincérité du secteur des paris et des sports qui y sont associés.** Il est possible de distinguer deux catégories d'obstacles au partage d'informations: les **obstacles juridiques** et les **obstacles pratiques**. Malgré l'existence d'un cadre commun de l'UE pour la protection des données, les barrières législatives varient selon les États Membres. Si des données personnelles sont concernées, elles ne peuvent être partagées que si les exigences et le processus imposés par la loi sont observés.

**La création d'un réseau partagé de Plateformes Nationales**, tel que suggéré par le projet de convention sur les matchs truqués du Conseil de l'Europe, pourrait résoudre certains problèmes pratiques liés au partage d'informations au delà des frontières. L'UE a le potentiel de jouer un rôle clé dans la création de plateformes nationales efficaces.

Si le partage de données est réglementé par la Directive de l'Union Européenne sur la protection des données de 1995, **des incertitudes demeurent quant à la nature de l'information pouvant être partagées, et dans quelles circonstances**, et les parties ne disposent que de peu de jurisprudence pour les guider. Cette situation peut inciter à une politique frileuse dans la crainte d'enfreindre la loi. L'UE pourrait donner une impulsion à l'établissement de directives plus claire, et faciliter un échange d'informations plus régulier parmi les acteurs clés susceptibles d'entrer en possession de données personnelles en rapport avec des matchs truqués.

## 1. Introduction and background

Betting related match fixing is far from a new phenomenon. Historic cases of match fixing are embedded in the lore of sports history. The infamous 1915 Good Friday football betting scandal, involving players and representative from both of the bitter rivals of Manchester United and Liverpool<sup>1</sup>, continues to be reported in popular media and investigated in scholarly literature.

In recent years, however, the nature and scope of betting related match fixing seems to have become more severe and has come under closer scrutiny. Since the mid-1990's, the Internet has transformed the world and has had considerable impact on the expansion of sports bets and forms of betting, such as live-betting. Media attention for match fixing is rising, and the concern within sports federations and international organisations, such as the IOC, is increasing.<sup>2</sup>

One of the first to bring attention to the rising problem of betting related match fixing was the Canadian journalist, Declan Hill, who described match fixing in football in his 2008 publication, "The Fix - Organized Crime and Soccer".<sup>3</sup> In the book, Hill described how widespread the phenomenon was in Asia, how it had infiltrated European and international football, and how international criminal networks fix matches.

European scandals related to football have been exposed, including the case involving the referee Robert Hoyzer and the infamous Bochum case in Germany that continues to unfold several years later, several cases in Italy, including the "Calciopoli" in 2005/2006 and the recent "Calcioscommesse" leading up to the Euro 2012, as well as the recent Europol disclosure of their investigation, mentioning that hundreds of games were fixed (however, most of these case are directly related to the Bochum case).<sup>4</sup> Cases have also been disclosed in Belgian, Finnish, Swiss, Norwegian, Croatian, Portuguese, Polish, Greek, Bulgarian and Danish football and in numerous other countries.<sup>5</sup> As outlined in FIFPro's "Black Book Eastern Europe", match fixing is widespread in football leagues in the Balkans and in Eastern Europe, and their football leagues are vulnerable to match fixing.<sup>6</sup>

The highest profile cases in European sport have taken place in football, though match fixing is known to occur in other sports, such as cricket, tennis, badminton, horse racing, handball and snooker. The Stephen

<sup>1</sup> [http://en.wikipedia.org/wiki/1915\\_British\\_football\\_betting\\_scandal](http://en.wikipedia.org/wiki/1915_British_football_betting_scandal)

<sup>2</sup> There is an important distinction to be made between betting-related match fixing and non-betting-related match fixing. This report focuses on betting-related match fixing. For a description of the different forms of match fixing, see A.C. Spapens & M. Olfers, *Match Fixing in Nederland*, 2013, pp. 35 – 55.

<sup>3</sup> <http://www.howtofixasoccergame.com/>

<sup>4</sup> Europol did not investigate the cases themselves but collected and analyzed data from different investigations in the EU Member States.

<sup>5</sup> For examples, see Oxford Research, *An Examination of the Threats to the Integrity of Sport*, 2010, and KEA, *Match Fixing in Sport - A Mapping of Criminal Law Provisions in EU 27*, 2012.

<sup>6</sup> <http://www.fifpro.org/img/uploads/file/FIFPro%20Black%20Book%20Eastern%20Europe%20WEB%20DOWNLOAD.pdf>

Lee case, involving one of the world's best snooker players, having been found to have lost matches for the purposes of financial gain, has shown that even some of the top athletes can be involved in match-fixing.<sup>7</sup>

Consequently, public authorities from a range of legal and regulatory authorities, sport organisers, and the sports betting industry, have been actively working to combat match fixing through a range of responses.

### 1.1.1 European responses to match fixing

European institutions have reacted to the perceived broadening scope and accelerated pace of match fixing, and the European Commission has recently been paying increasing attention to match fixing. In 2011, the Commission adopted the Communication entitled "Developing the European Dimension in Sport", where it declared that it would cooperate with the Council of Europe in "analysing the factors that could contribute to more effectively addressing the issue of match fixing at national, European, and international level".

Only two months later, in March 2011, the Commission published a green paper public consultation on online gambling in the Internal Market, where the issue of match fixing was addressed. In October 2012, the Commission adopted its Communication "Towards a Comprehensive European Framework for Online Gambling", where it announced that it would develop an initiative regarding anti-match fixing measures, applicable across Member States and sport disciplines.

On September 20, 2012, EU Ministers of Sport stated that match fixing is '*one of the most serious threats to contemporary sport, undermining the fundamental values of integrity, fair play and respect for others ... Addressing the issue requires urgent, concerted and coordinated efforts from public authorities, the sport movement and betting operators*'. They mentioned five key areas where action should be taken: "education, prevention, good governance", "monitoring", "sanctions", "cooperation", and "international coordination".<sup>8</sup>

According to the Council of the European Union, it is important to evaluate certain types of bets, as well as evaluate which sports competitions involve a great risk to the integrity of sport. The Council has discussed implementation of a limitation of sports betting for individuals under the age of 18. Furthermore, the Council refers to the initiatives that have been undertaken within the Council of Europe (CoE), which could facilitate 'closing potential loopholes and the establishment of an appropriate international legal framework'.

In 2013, the European Parliament asked the Member States to "create a specialised law enforcement unit to combat match fixing and serve as a hub for communication and cooperation with the main stakeholders, and to require gambling operators to provide information on irregular gambling patterns to this specialised unit and to sports organisations for further investigation and referral to prosecution authorities". In addition, the European Parliament called on the Member States to "enhance European law enforcement cooperation through joint investigation teams and cooperation between prosecution authorities and to set up regulatory bodies to identify and combat illegal activities in sports betting and to collect, exchange, analyse and

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<sup>7</sup> <http://www.theguardian.com/sport/2014/may/15/stephen-lee-fails-appeal-match-fixing>

<sup>8</sup> European Commission, Nicosia Declaration on the fight against match fixing, 20 September 2012.

disseminate evidence of match fixing both in Europe and beyond”. The Parliament stressed “the need for close cooperation with other regulators, including licensing authorities, enforcement bodies and the police. The European Parliament also urged the Commission facilitate the exchange of information between these regulatory bodies with regard to illegal or suspicious sports betting activities” and further stated that the Member States establish cooperation with third countries with a view to combating the organised crime associated with match fixing, inter alia by taking part in the negotiations on an international Council of Europe convention to combat the manipulation of sports results.<sup>9</sup>

As previously mentioned, the Council of Europe plays an important role. In November 2011, the Council presented a number of conclusions on match fixing, and urged the presidency and the Commission to develop a European dimension of the integrity of sport, with a particular focus on the fight against match fixing. The Council created an EU Expert Group on Good Governance with the mandate to recommend ways to promote the integrity of sport, in particular the fight against match fixing and the promotion of good governance. In June 2012, the Group presented its recommendations on the EU's role in the fight against match fixing.

The effect of national legal frameworks is limited by the cross-border nature of match fixing and the betting market. There is therefore need for a more uniform, international legal framework. In this respect, it is important to mention that in relation to the latest initiatives, the Council of Europe has been given mandate to negotiate a binding convention against match fixing. This is supported by the European Commission, which has been given the mandate by Member States to participate in the negotiations. This is of great significance, and a fundamental step, as a new international Convention will be valid as law in the signatory countries if they ratify the convention. The main added value of a Convention against match fixing is expected to be the creation of a platform for cross-border and cross-sector cooperation, involving all the relevant actors. The convention is expected to be opened for signatures in 2014. The Council of Europe's draft convention underlines the notions that 1) the fight against match fixing requires international cooperation 2) sports-authorities cannot handle betting-related match fixing without the help of public authorities 3) signatories need to fight illegal betting and prevent, for example, high risk bets.

A number of key questions remain in terms of the potential direction and scope of future actions and activities to combat match fixing at a European level. The types of instruments and potential policy mechanisms involved are similarly up for discussion. The present study will outline some of the potential frameworks available, and will make a contribution to the baseline understanding of the role of information sharing at the national, European, and in some cases at the international level.

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<sup>9</sup> European Parliament, Resolution on match fixing and corruption in sport, 14 March 2013 (2013/2567 RSP).

## 1.2 OBJECTIVE OF THE STUDY

The objective of the study is to provide the European Commission with an overview of the situation concerning the existing frameworks applicable in the 28 EU Member States<sup>10</sup> and the rules/practices of stakeholders regarding the sharing of information and reporting of suspicious sports betting activity.

The terms of reference presents four objectives of the study. These four objectives also represent the overall focus areas of the analysis:

1. Regulatory and self-regulatory frameworks
2. Scope of information and role and tasks of key actors
3. Exchange of information at international level
4. Necessary and appropriate EU action

The four objectives are broken down into 15 more detailed questions (specific objectives) which are to be answered in the course of the study. To be able to answer the posed questions, an analytical design drawing on a number of analytical tools/methodologies has been developed.

## 1.3 ANALYTICAL APPROACH TO THE STUDY

The analytical design closely follows the requirements set out in the terms of reference, which seeks to accurately and comprehensively address the questions posed in said terms of reference. The study covers:

- 4 overall objectives
- 15 specific questions (specific objectives)
- 28 countries
- 3 sports in each country – football, tennis, and the most popular sport in each country besides football and tennis
- National and international dimensions

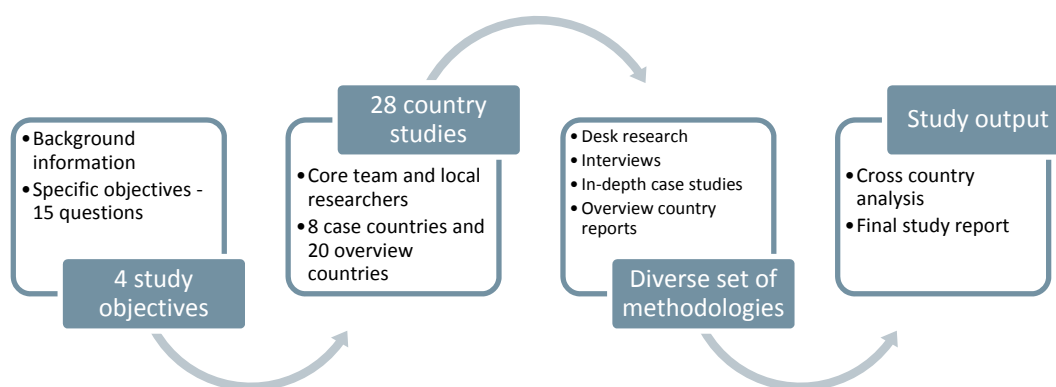
The study also covers highly different types of actors such as gambling regulators, general sport organizations, specific sports organizations, national and international sport organisations, public and private betting operators, and betting surveillance companies.

Due to the complexity of the study, a number of analytical tools must be combined to produce a thorough and reliable study, which covers all the most relevant interests and angles on the central questions.

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<sup>10</sup> Croatia ascended to the European Union between the time the Terms of Reference was published and the implementation of the study.

### Overall analytical design - from objectives to solid conclusions and recommendations



### *Desk Research*

As noted, match fixing has received attention from the popular media, the scholarly community, and from policymakers. There is therefore a wealth of information on the subject, though there is little structure to the types of information that are available. Much of the information is generated episodically and dependent on specific events, specific organisations, or high profile incidents related to match fixing. However, this is beginning to change, with a more systematic approach taken to understanding match fixing at a theoretical and policy level. Much of this information was used to form a background to the study or to prepare for, and supplement, specific interviews. At the same time on the specific topic of the sharing of information not much research is available.

### *Questionnaires*

Due to the diversity of views, and the range of interests in the issue of match fixing, separate questions were developed and tailored to specific type of respondents participating in the study.

- Private betting operators
- National lotteries
- Sports regulators

A list of the survey participants is provided in the Appendix. The questions were designed to address the objectives of the study and capture a broad set of perspectives.

## ***Interviews***

Two types of interviews were carried out:

- **Exploratory interviews** – Interviews with stakeholders at the Member State, European, and international level were undertaken throughout the study period, to understand broad issues related to match fixing and the various approaches taken. Specific participants and the associated question guides are attached as appendices.
- **Confirmatory interviews** – Following up on surveys, the research team contacted specific stakeholders and interviewed respondents to inquire about particular pieces of information. This was done to provide a detailed assessment of the information, to address any conflicting types of information, or to go into detail.

## ***Development of Country Profiles and Case studies***

Out of the 28 countries the study covers, we have selected 8 for more in depth case studies to illustrate challenges, solutions, and key findings through concrete examples, which are easy to understand and communicate. In the remaining 20 countries, the team has executed desk research and surveys which is utilized to answer the most relevant study questions and give an overview of how the regulatory and self-regulatory frameworks function, the scope of information shared, and the role of key actors. The case studies and the country profiles are provided in the Appendix.

## 2. Collection and processing of information

This chapter focuses on the sharing of information on suspicious betting activity, focused primarily at the national level in each Member State. The first sections analyse how information on suspicious sports betting activity is collected and shared across the EU-28. It also looks at the role and functions of national authorities, sports governing bodies, and betting operators while identifying differences, if any, between particular sports. Further, the chapter analyses how suspicious betting is detected, what information is shared, and the barriers for sharing information before concluding by looking at the possible role for the EU in combating match fixing.

A number of observations can be made regarding the obligation to collect and share information across Member States. The following overall models for collecting and sharing of information have been identified:

- The betting regulator is obliged to collect information on suspicious betting patterns
- The betting operators are obliged to collect information on suspicious betting patterns
  - It might/might not be specified how this obligation should be fulfilled.
  - Not all betting operators who are obliged to collect information are also obliged to share the information.
- The betting operators are obliged to share information on suspicious betting patterns authorities:
  - It might/might not be specified how markets should be monitored to enable the betting operators to share information.
  - It might/might not be specified what constitutes suspicious betting patterns and when betting operators should be informed
- Neither the betting regulator nor the betting operator has an obligation to collect or share information

Overall, a minority of the EU-28 Member States place a direct obligation for the national Gambling Authority to **proactively** collect and process information on suspicious sports betting activity in a national or regional gambling Act, licence conditions, or similar legislation for betting operators, or sport governing bodies. However, more countries have started doing so - roughly 10 out of the 28 member states - and some countries have indirect obligations, typically stating that licensed betting operators must act to protect betting integrity or prevent match fixing.

It is more frequent that the betting operators are required to report suspicious betting activity to the Gambling Authority, thus giving the proactive role to the **betting operators**. This is the case in about half of the EU member states. In general an obligation for the Gambling Regulator to collect information or for the Gambling operators to report suspicious betting activity is more likely to be found in the countries that have revised their legislation recently.

Even in the absence of formal regulatory or legal obligations to do so, the sports betting industry collects and processes a wealth of data. The collection and processing of information is an integral part of betting operators' business, and the industry has developed detailed systems to monitor markets, odds movements,



bets, and customers. The betting operators use their surveillance systems to monitor betting volumes in markets, their exposure to certain outcomes, price movements, betting patterns of customers collectively, as well as individual accounts, winning and losing of customers, opening of new accounts, etc. They use this information to set odds, adjust odds, regulate betting limits, suspend bets, limit risks, and market directly towards specific customers at specific times. This is part of what is known as a “Know Your Customer” approach and is regarded as key by betting operators, in order to improve their business and profitability. The more familiar the betting operator is with the customer, the better they are able to target their offers and focus their marketing efforts.

The sports association (i.e. the national association or international federation) is the umbrella association that stipulates when, where and under which rules the game or competition is realised. Sport governing bodies have access to athletes, officials, events, matches, and other participants on a daily basis. Through these channels the sport governing bodies and clubs can come across information about breaching of betting rules by individual athletes or match fixing organised by betting syndicates. Sport governing bodies can also prosecute and sanction athletes and officials who breach the rules. Internal investigations by sport governing bodies generally have fewer resources than police investigations and are an important tool for sanctioning athletes and officials in cases of minor offences.

At the same time, the collection and processing of information is not the core business of sports associations and they do not have direct access to information in betting patterns and odds movements. Sports associations are dependent on the betting-expertise outside the sports organisation (i.e. detection systems). Further, sports organisations are not criminal enforcement agencies and don’t have the possibility to check players, referees through i.e. phone taps. Gathering (timely) information and evidence is crucial to take measures and sanctions against manipulation. The focus of most sports bodies is on a) risk-prevention, through education b) harmonisation of rules c) the dissemination of information d) disciplinary proceedings. Major sports, including football and tennis, have enough financial resources to set up coordinated action within that specific sport. In general, other sports have limited budgets and need to pool resources to realise a sufficient level of prevention and repression measures.

## **2.1 MODELS OF INFORMATION COLLECTION AND STORAGE OF INFORMATION**

Several different models for sharing of information are in place across the EU Member States. The different models are described in more detail in the case studies and country profiles (see Appendices A and B).

In a majority of countries, there is no direct obligation for gambling regulators to collect information on suspicious betting patterns to share information about suspicious betting patterns with the betting regulators. The table below provides an overview of the answers to some of the key questions in the analysis based on the replies received to the questionnaires.

## Overview of responses to key questions on sharing of information

	National Coordinating Platform	Obligation of betting regulator to collect and process information	Obligation of betting operators to share information with BR	Obligation of betting operators to share information with SGBs	Obligation for SGBs to share information with BR	Voluntary agreement to share information with betting regulator	Betting operators voluntary agreement with SGBs to share information	Definition of suspicious sports betting activity
Austria	N	N	N	N	N	N	N	N
Belgium	N	N	Y	N	N	N	(y)	N
Bulgaria	N	Y	N	N	N	N	N	N
Croatia	N	Y	(y)	N	N	N	N	N
Cyprus	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Czech Rep.	N	N	N	(y)	N	N	(y)	N
Denmark	N	(y)	N	N	Y	N	Y	N
Estonia	N	N	N	N	N	N	N	N
Finland	N	N	(y)	N	N	Y	Y	Y
France	(y)	Y	(y)	Y	N	Y	Y	Y
Germany	(y)	(y)	(y)	(y)	N	N	(y)	(y)
Greece	N	N	(y)	N	N	N	N	N
Hungary	N	N	(y)	(y)	(y)	Y	(y)	N
Ireland	N	N	N	Y	N	(y)	Y	(y)
Italy	Y	Y	Y	N	N	Y	Y	Y
Latvia	N	N	N	N	N	N	N	N
Lithuania	N	N	N	N	N	N	Y	N
Luxembourg	N	N	(y)	N	N	N	N	Y
Malta	N	Y	Y	N	N	N	N	(y)
Netherlands	Y	N	N	N	N	N	N	N
Poland	N	Y	Y	N	N	N	N	Y
Portugal	Y	N	Y	(y)	N	N	N	Y
Romania	N	N	N	N	N	N	N	N
Slovakia	N	N	(y)	N	N	N	N	Y
Slovenia	Y	Y	(y)	N	N	N	N	N
Spain	N	Y	(y)	N	N	Y	Y	Y
Sweden	N	(y)	(y)	N	N	Y	Y	Y
UK	Y	N	Y	Y	N	NR	Y	N

Note: SGB = Sport Governing Body, BR = Betting Regulator, NR = Not Relevant, N/A = Information Not Available. Brackets ( ) indicate that the regulation is not clear cut or that the information provided is unclear and could not be confirmed.

Most of the countries which have no obligation to share information have not created or updated the regulation of the betting industry recently. However, some have regulations in place which were introduced before match fixing and sharing of information attracted as much attention. Several of the countries who have recently updated their regulatory frameworks for the betting industry have introduced an obligation on either the betting regulator to proactively collect information on suspicious betting patterns or on the betting operators to report suspicious betting patterns to the betting regulator. Thus, the trend is that obligations to share information is becoming more common. However, there are differences in the extent to which obligations are **direct** or **indirect** and the extent to which **reactive** or **proactive approaches** are used.

The systems in **France** and **Italy** include an obligation to collect and process information on suspicious betting activity, but their procedures for doing so are different from many other countries because the French regulatory authority, ARJEL, and the Italian regulatory authority, ADM, have access in real time, to all the transactional data generated by the licensed operators. They both have dedicated personnel that monitor the betting patterns in the country and can therefore spot irregular betting activities and ask the licensed operators for additional information, if need be. The system is described in further detail in appendix A. These systems are highly **proactive** in that monitoring authorities seek out and identify irregularities, rather than waiting for operators to report issues.

Regulation of the betting industry is regional in Germany and the state of **Schleswig-Holstein** has introduced a direct obligation for betting operators to collect information on suspicious betting activity. The regulation states that *“independent of further requirements by the licensing authority to prevent manipulation and fraud, the operator shall work with at least two independent monitoring systems to prevent betting fraud”*.

**The Netherlands** is currently opening up its betting market and in the upcoming law it is provided that future online gambling operators (licence holders) will need to have a betting fraud detection system capable of identifying irregularities. This approach essentially codifies the current industry standard used by the larger and better established betting operators. However, the requirement will, like in the case of Schleswig Holstein, still be on the betting operators, rather than on the monitoring authorities, to carry out surveillance of the betting markets.

By contrast, the **UK** system does not place an obligation for betting operators to collect and process information, but the betting operators are obliged to report suspicious betting activity to the Gambling Commission. This approach combines an outcome-focused and indirect obligation on operators, with a reactive approach.

In another approach, some jurisdictions have introduced alternative or indirect requirements to require the collection and storage of information. For example, **Spain** has an indirect obligation to collect and store information. The Spanish gambling regulation does not contain any rules or codes that regulate the collection and processing of knowledge and information regarding suspicious sports betting activity, but the betting operators and other stakeholders must answer the information requirements of the Spanish gambling regulator upon any issue related to gambling, and this includes suspicious sports betting. In order to be able to provide the Spanish regulator with the relevant information, betting operators must collect and analyse information on betting patterns.

**Denmark** is another country which has an indirect obligation in the licence condition to collect and process information regarding suspicious betting patterns. Section 22 in executive order No. 66 on the Provision on Online Betting and Section 7 in executive order No. 65 on land-based betting states that *“the gambling operator (licence holders) shall take measures to reduce the risk of collusion (match fixing) in betting and shall refuse to accept wagers in betting where there are grounds to suspect collusion”*. The betting operators are thus obliged to take measures to reduce the risk of match fixing and are thus indirectly obliged to collect, store and process information on customers and betting patterns to detect suspicious betting patterns.

### 2.1.1 Industry Standards – collection of information in the absence of obligations

Even in the absence of legal or administrative requirements, betting operators collect key market and customer information. **The collection and processing on information is a key part of betting operators’ business** and interviews with betting operators have shown that all the major players in the industry has developed detailed systems to monitor markets, odds movements, bets, and customers. Smaller players might not have as elaborate systems for market surveillance.

The betting operators use their surveillance systems to monitor betting volumes in markets, their exposure to certain outcomes, price movements, betting patterns of customers collectively, as well as individual accounts, winning and losing of customers, opening of new accounts, etc. This occurs at the **market level** for specific bets on particular sporting events and at the **customer level**, for specific customers.<sup>11</sup> They use this information to set odds, adjust odds, regulate betting limits, suspend bets, limit risks, market directly towards specific customers at specific times, etc. This is part of what is known as “Know Your Customer” and interviews with key operators confirm that this approach is fundamental in avoiding losses, while creating a better experience for customers. The more familiar the betting operator is with the customer, the better they are able to target their offers and focus their marketing efforts, while tailoring their risk management strategies to the individual level.

## 2.2 SHARING OF INFORMATION AND REPORTING OF SUSPICIOUS SPORTS BETTING ACTIVITY

Collecting and storing information at the market level and for specific customers is the standard *modus operandi* for the industry. Requiring the sharing of information is significant because this is not something betting operators – unlike collection and storing of information - will do as a core part of their business operations, with the intention of offering better service or managing risk.

Even though betting operators and sport governing bodies are often willing to share information, they might not do it unless they are obliged to collect, store, and share information through regulation or a self-regulatory approach. As was explained in the previous section, the industry collects data and there is a **convergence of collection, monitoring approaches, and data type that are collected, mainly from the same sources**. Information is often shared informally in the event of an irregularity. At the same time, some betting operators have stated that they prefer to have an obligation to share information since this clarifies what they are required to share and to whom they are required to share it. It also secures that someone is

<sup>11</sup> This customer aspect is further elaborated in Section 2.5.

willing, and ready, to receive the information once an irregularity has been identified, which is not always the case in the absence of an obligation to share information.

Many different regulatory systems exist across the EU. Many countries are characterised by a lack of regulation of the betting industry and therefore absence of any obligations to share information. In some of the countries with more elaborate frameworks, such as the UK and Germany (Schleswig-Holstein), and Italy betting operators are required to share information with the betting regulators. In the UK, betting regulators also have to share information with selected sport governing bodies.

In France, betting operators are not obliged to report to the regulator, ARJEL, but ARJEL has access to all betting data with licenses operators. Therefore, in France, and also in Italy, the responsibility to detect suspicious betting patterns has shifted from the operators to the regulators (even though the operators in Italy are also obliged to report suspicious betting activity). In the Netherlands, the new law does not explicitly obligate reporting to the regulator. The Spanish, UK, French, Dutch, and Italian systems are explained in further detail below.

**Austria** represents a country where sharing of information is difficult and where the interpretation of the rules for sharing of personal information is interpreted very strictly. There are currently no regulations requiring the betting operators to share information. Moreover, because of data protection provisions, the national lottery cannot voluntarily share any personal information to any external entity. The only way in which they are allowed to release personal information about suspicious sports betting activities in a specific instance involving one of their customers, is via a court order. The only information they are authorized to share is about suspicious odds changes.

**Spain** represents a system with an indirect obligation for betting operators to share information. Spain does not have specific provisions in their regulation, directly obliging betting operators to share specific information with the betting regulator or others but have an indirect obligation. As explained above betting operators and other stakeholders must answer the information requirements of the Spanish gambling regulator upon any issue related to gambling, and this includes suspicious sports betting. Failure to comply is a serious administrative offence set out in the Gambling Act, fined with EUR 100,000 to 1 million. Furthermore, the implementation of the Regulation of the Gambling Act sets out that operators' must expressly provide the gambling regulator with the identification data of the participants who might be responsible for gaming collusion or fraud.

The UK Gambling Commission (GC) and the Sports Betting Intelligence Unit (SBIU) are central players in the **UK**. The SBIU is a unit within the Gambling Commission which deals with reports of betting-related corruption. Betting operators are required to report suspicious activity to the GC under their licence condition (Section 15.1) of Licensing Condition and Codes of Practice. Betting operators are also required to provide information to Sport Governing Bodies if betting operators suspect that information in their possession may:

- lead the Gambling Commission to consider making an order to void a bet (the Gambling Commission has powers to void bets)
- relate to a breach of a rule applied by that sport governing body

Schedule 6 of the Gambling Act names a number of SGBs with whom the GC may provide information received by it in the course of its duties. The SGBs mentioned are all deemed capable of handling personal information and have thus been approved to receive information from the GC. However, the GC may choose to provide information to parties not listed where this is considered appropriate in furtherance of the licensing objectives and is not prohibited by any statutory provision or legal principle.

Currently, betting operators can operate on the UK market through a foreign licence, such as the case with Betfair. Customer's betting on Betfair's exchange from the UK are licensed by the Gibraltar Gambling Commission in Gibraltar. Betfair has a voluntary agreement to share information with the UK Gambling Commission, but no obligation (they are, however, obliged to share information with the Gibraltar Gambling Commission). The UK is currently revising their regulation to ensure that it covers more betting operators operating in the UK. Betting operators such as Betfair will most likely be covered by licensing condition 15.1 in the future. Sports Associations in the UK are not obliged to inform the Gambling Commission when they detect something suspicious, but according to a major sports association they will still do so.

**French** legislation does not impose licensed operators to report suspicious betting patterns to ARJEL, because technical regulations empower ARJEL with the tools to detect suspicious sports-betting activity themselves. However, according to the Law, licensed operators are submitted to anti-money laundering obligations and, consequently, are compelled to report any suspicious betting activity that could be analysed in money laundering. The technical requirements settled by the French legislation state that in order for an operator to be licensed, they must grant ARJEL direct access to all betting-related data registered – including player identification data, player account data, and betting activity data. Consequently, ARJEL can access detailed betting-related data in real time 24/7.

To detect suspicious betting patterns ARJEL has developed its own monitoring system. ARJEL has put in place large scale systematic, and fully automated, controls on some competitions on which French punters regularly bet, and on the daily activity of all licensed operators. For doing so, ARJEL has, by a statistical analysis of the detailed betting activity on all the matches of a competition registered for two seasons, defined more than 20 stable statistic indicators and average values for them.

The Law also stipulates that ARJEL must report to the public Prosecutor any fact that could be qualified a penal crime. Accordingly, ARJEL has reported, in the past, facts regarding inexplicable and unusual betting activity to the public Prosecutor. ARJEL forward detailed information including personal data in response to explicit requests made by police investigation services under the supervision of a judge.

Where applicable, licensed operators in France must also report suspicious or abnormal betting activity to sport event organisers, as defined according to a betting right contract. Sports event organisers are not compelled by law to share information with licensed operators or ARJEL. However, sport event organisers that have settled betting right contracts with licensed operators have to share information with them if they suspect the alteration of the course of their event or any relevant information. Furthermore, betting right contracts usually provide information sharing with ARJEL.

In **Italy**, the regulatory authority, ADM, have real time access to all the transactional data generated by the licensed operators. They have dedicated people that monitor the betting patterns in the country and can therefore spot irregular betting activities and ask the licensed operators for additional information, if need be. In addition, all licensed operators are under obligation to report all suspicious activity they detect in their system and to assist both the regulator and law enforcement agencies in case of further investigation. These rules apply to all sports offered on the market. In addition to ADM's access to transactions, betting operators must inform the betting regulator, via e-mail, if they detect suspicious sports betting activity. Sometimes the ADM will share information with the sport associations involved as a follow-up to information received from the betting operators.

As of now, there is no overall regulatory and legal framework related to suspicious sports betting activity at a federal level in **Germany**, only with regards to anti-money laundering. However, approval of new legislation on sports betting is currently pending. The northern state of **Schleswig-Holstein** (SH), though, has implemented its own legislation on online gambling, that also covers sports betting. In Schleswig-Holstein, the betting operators are obliged to electronically notify other licensees authorised by the licensing authority on information of any indications or warnings of possible manipulation or suspicious changes in betting activities. Operationally, the betting operator notifies the licensing authority, who then notifies the other betting operators. Once every year, by the 1st of April, the betting operators must report any changes it has determined in betting activities or other events during the preceding calendar year that the operator or an affiliated company were notified of by a third party, to the licensing authority.

In most countries information will typically only be passed on to law enforcement agencies if there is a prospect of criminal charges. In general, betting operators have to share information on suspicious sports betting activity as soon as it is detected. Betting operators state that they try to share information before the event takes place and will typically initially share information with betting regulators and sport governing bodies (if an MoU exists).

Most countries have not specified what constitutes suspicious betting activity or in which situations betting operators must inform betting regulators. It is up to the betting operators to decide. Betting operators rely on their monitoring tools and experience to detect suspicious betting patterns. How this is done is described in more detail in Section 2.5. The UK, however, is currently developing a definition of what constitutes suspicious betting activity and when betting operators have to report to the regulator.

In general, the authorities receiving information have no obligation to inform the providers of information about the possible ensuing disciplinary action that will occur owing to the received information.

### 2.2.1 Self-regulatory frameworks

The structure of industry regulation needs to be understood in the context of self-regulation. In addition to what is described above a number of self-regulatory frameworks are in place to share information. Betting operators have monitored the betting patterns of their customers and market movements long before match fixing became an issue, purely because it is an important tool for maximizing their profits and limiting their exposure to certain outcomes. Self-regulation and industry cooperation are often in place because it



minimizes risk for operators or because it promotes the professional autonomy of operators. Self-regulatory frameworks can take several forms including:

- Memorandums of Understanding (MoU), typically between betting operators and sport governing bodies, about the exchange of information
- Cooperation between betting operators to inform each other of suspicious betting activity
- Commercial contracts between a betting monitoring company and one or more buyers of their surveillance services

As previously mentioned, betting operators in some jurisdictions are obliged to inform selected sport governing bodies if they come across information which relate to a breach of a rule applied by that sport governing body. The UK constitutes such an example. However, it is an exception that betting operators are obliged to inform sport governing bodies. Instead, betting operators and sport governing bodies typically enter into Memorandums of Understanding (MoUs) which allow them to exchange information. The MoU regulates how information is shared and typically also includes certain obligations for how the receiving organisation must handle (personal) information received from the betting operator. It should be noted that most of the large betting operators who have contributed to this study have MoUs with several – but not all – sports governing bodies in the countries they provide betting options on.

The self-regulatory frameworks can be national, as well as international. To protect betting integrity and limit financial loss from match fixing, a number of large bookmakers have formed the **European Sports Security Association – ESSA**. Members of ESSA share any alert it might detect with other members of the association through the common platform developed by ESSA. If an alert is confirmed and the transaction becomes suspicious, ESSA will share it with the relevant regulatory body or sports bodies it has a MoU with. ESSA currently has MoUs with little over 20 of the larger sports associations and regulatory bodies such as the International Olympic Committee (IOC), FIFA, the Tennis Integrity Unit, The Spanish Football Federation, the UK Gambling Commission, and the Malta Lotteries and Gaming Authority. UEFA however, recently stopped working with ESSA. ESSA also coordinates MoUs with sport governing bodies and regulatory bodies so that individual betting operators and sport governing bodies do not have to enter MoUs.

The European Lottery Monitoring System (ELMS) is a similar system for the national lotteries. Through the ELMS, national lotteries share information on the suspicious betting patterns and suspicious customers in the network. The ELMS screens the international betting markets for information on suspicious betting behaviours, such as:

- Odds movements across the entire betting market, including lotteries, private operators, betting exchanges, Asian operators, etc.
- Inside information from professional punters' forums and team related news from the clubs
- Inputs from each ELMS member, e.g. important news and updates to spread quickly throughout the whole ELMS network
- Sports betting and match fixing related news



The ELMS system links 20 European lotteries to monitor suspicious betting activity and provides a continuous message feed to all participants. It alerts members on unusual fluctuations in the odds related to specific matches with technical tools provided by companies like SportRadar or Betgenius. The ELMS also monitors and distributes information on unusual betting volumes in the participating countries.

Information on suspicious odds movements can be shared without major restrictions. The information shared does not include any data of punters, partly because there is no personal data available to ELMS, and partly because of the data protection law. Each stakeholder participates voluntarily.

Frameworks for exchange of information on suspicious betting patterns can also be commercially based. Some organisations have specialised in surveillance of betting activity and are selling their services, typically to betting regulators and/or sport governing bodies. The surveillance companies are paid to monitor betting markets and report suspicious sport betting activity to their customers. For example, UEFA has such a contract with a surveillance company – Sportradar – and receives reports when suspicious betting activity is detected. UEFA will pass on the relevant information to the National Football Association, who then can choose if and how to act on the information. Sportradar monitors odds movements across the majority of large and medium sized betting operators and compares the odds to the statistically “correct” odds. The statistically “correct” odds are based on a very large number of statistics about results, leagues, teams, players, and other information which affect the likelihood of a team winning.

Thus, this approach differs from, and supplements, the approach applied by betting operators. Betting operators have access to the individual accounts of customers and all bets placed with them, whereas betting surveillance companies monitor odds and odds movements across a large number of bookmakers and have no direct relationship with or interest tied to the punters.

The regulations and voluntary frameworks described above are general for all sports, though it is up to the specific stakeholders involved to enact these approaches. The overall framework for sharing of information and the existence of MoUs between betting operators, decides what information is shared and when. The mandate for the present study included examining variations across sports. As part of the research for this report, we have not come across any regulation that states that information has to be shared in some sports but not in others, or that certain information should be shared for sport A and other information should be shared for sport B. However, there is a tendency for MoUs to be in place with the large sports associations. Thus, information is more often shared with sports such as football and tennis associations, than with smaller sport associations.

### **2.2.2 Summing up**

As described above betting operators will collect detailed market information which can be utilised to detect suspicious betting patterns whether it is an obligation or not. It is an important part of their efforts to collect information on customers and optimise the profitability of the organisation. It is also used to prevent the organisation from suffering losses from accepting large bets on matches, which are fixed, or from so-called “wise guys”, i.e. people who in the long run are able to beat the betting operators.

However, if betting operators are not obliged to inform betting regulators it will be up to the betting operators – which have obvious interests in preventing match fixing but which also have other interest – to decide when and if to act. The fact that betting operators have multiple interests creates uncertainty and the current discussion of the incentives, motives, and interests of betting operators will continue to draw suspicion from the gambling public.

If there is no obligation to inform betting regulators, they might not have procedures in place for handling and acting on the information. Thus, either an obligation for the betting regulators to collect information or for the betting operators to share information removes uncertainty regarding the willingness of betting operators to share information and is therefore in the interest of everyone and recommended. An obligation to collect and share information should be complemented by procedures for how the betting regulators should handle the information. Also, the betting regulators must have the appropriate resources and competencies to act efficiently on the information.

Further, the voluntary system of MoUs is a useful approach to complement regulatory obligations. At the same time it is very complex and resourceful for betting operators and sport governing bodies to sign MOU's in every sport and in every country. The result is that no betting operator has MoUs with all sport associations and in all countries and no sport governing body has MoUs with all betting operators. It is therefore recommended that a more streamlined and efficient approach should be developed. The EU could play an active role in coordinating such efforts.

## **2.3 ROLE AND TASKS OF NATIONAL AUTHORITIES, SPORTS ORGANISATIONS, AND BETTING OPERATORS**

Betting operators, sport governing bodies, and public authorities have access to different types of information about suspicious betting activity and play different roles in detecting suspicious betting patterns protection betting integrity. To establish an efficient framework for protecting betting integrity, it is important that the key actors all contribute in gathering information and collaborate.

The betting operators have access to customers and their betting accounts, and can use this to monitor individual bets, total bets, amounts, frequency, historical patterns, and volumes. They also monitor odds movements across the market and at individual competitors. They can compare this information with vast statistical information about events, teams, athletes, and other variables to monitor if odds and odds movements are as expected. The betting operators are, therefore, in a unique position to identify suspicious betting patterns. The fact that it is typically betting operators, and not for example sport governing bodies, which are obliged (if obligated) to monitor betting patterns and share information with regulators, is a testimony to the importance of betting operators in identifying suspicious betting activity. Thus, betting operators play an important role in detecting suspicious betting patterns because they have the direct relationship with the customers. They are the only ones to have direct access to the customers and their accounts, bets, and history. Italy and France, however, provide exceptions given that the betting regulators have real time access to betting transactions for all licensed operators. Therefore, it is both the operator and the regulator who have direct access to such information.

As previously mentioned, odds monitoring companies play a, somewhat, complimentary role to the betting operators. They also monitor the market and developments, but instead of relying on access to individual bets and the betting history of punters, they detect unusual betting patterns by looking at odds movements across betting operators and compare the movements to what statistics predict the odds would be. As at least one of the odds monitoring companies is also collecting and selling sport statistics to the betting operators they have very detailed information to predict the “statistical odds”.

Just as with betting operators, they follow up alarms of unusual patterns with research to see if they can find explanations of the unusual activity or if the pattern is also suspicious. Similar to the betting operators, they also typically provide information on suspicious sport betting to regulators and sport governing bodies. However, they charge for the service, whereas betting operators provide the information (either voluntary or because they are obligated to do so). Since the odds monitoring companies monitor the markets in a different way than the betting operators and can detect patterns across operators, they provide an important supplement to the monitoring of betting operators.

It is important to acknowledge that monitoring system focused on identifying irregular betting patterns, face certain limitations. For example, the monitoring systems do not cover the illegal market and there is no authoritative definition of what defines suspicious betting patterns. This has led the authors of the SportAccord report to conclude that “...not all operators have the same criteria with regard to warning thresholds. As yet, no consideration has been given to establishing common criteria. Lastly, there are no surveillance audits, which would guarantee the full integrity of the operators”.<sup>12</sup>

The exchange of information between operators, and between operators and third parties, is difficult for various reasons, such as data protection laws, confidentiality clauses, and competition reasons.

Sport governing bodies and sports clubs have no access to bets or betting patterns, but they have access to athletes, officials, events, matches, etc. on a daily basis. It is through these channels that sport governing bodies and clubs can gain access to information regarding breaching of betting rules by individual athletes or match fixing organised by betting syndicates. Some sports federations have rules in place that state that athletes, referees, and others have to report any approach by a match fixer.<sup>13</sup> This information is also important for collecting information about match fixing, and complements the information provided by betting operators.

If a suspicion around a match or event is detected, before the event sport governing bodies can monitor behaviour at matches or events closer, and can inform athletes and officials about the suspicion, so that people know that the match/event is being monitored closely. If the suspicion is strong they can also suspend a match or an event.

Sport governing bodies also often have the power to punish actors in the world of sport if they breach rules. Criminal sanction of minor offences will not always be initiated, and often will not be the most effective or efficient approach. A criminal case will very often rely on establishing relationships between those involved

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<sup>12</sup> SportAccord, Sports betting and corruption: How to preserve the integrity of sport, p. 77.

<sup>13</sup> For example, see Article 5bis on Integrity of matches and competitions in the UEFA Disciplinary Regulations.

and following flows of money, and the evidentiary standard will often be “beyond reasonable doubt”. As a result, match fixing can be hard to prove, and the procedure can be very time consuming and costly. A sanction by the Sport Governing Body (SGB) may be a more appropriate approach to achieve the aim, because the evidentiary standard before the disciplinary court is often “comfortable satisfaction” and a disciplinary procedure might be quicker than a criminal investigation, and therefore may be the more frequently taken approach. A criminal court case however, does not preclude disciplinary proceedings and vice versa.

The role and ability of betting regulators to contribute to investigations of match fixing varies from country to country. In some countries they have a rather passive role mainly being responsible for establishing and maintaining the regulatory framework and overseeing that it is respected, in others they have a very active role.

In the countries where the gambling regulators play an active role, they have the potential to coordinate efforts and bring together knowledge held by different actors. They have the potential to be the spider in the middle of the spider web. They may collect and hold relevant ongoing information due to the monitoring powers, and can request further information on particular events, in particular from gambling operators. Gambling regulators may process information themselves (merging information from all sources) or request operators to process their own information.

Enforcement is outside the scope of this study but is fundamental for understanding a key barrier for the sharing of information to affect match fixing. Betting regulators are also potentially the ones to decide which actions to take, based on the information collected. They can decide to pass on information to sport governing bodies, to the police to conduct further criminal investigations, or even open a case themselves (assuming they have the authority to do so). One key finding emerging from interviews is that a gap exists in the informal way in which sports organisations handle information passed on to them. In only very few instances is there an obligation or clarity as to the next steps and the role of enforcement authorities, and this varies across the member states.

In the UK, the betting regulator brings together the relevant actors and plays an important coordinating role. They do not only collect information from relevant sources, but they also make sure that all parties are heard and have a say in how cases are handled. To secure that cases are handled professionally, the gambling regulator (the UK Gambling Commission) has developed a decision making framework that codifies how decisions are made when the Gambling Commission come in possession of information of suspicious betting activity. The Gambling Commission has also played an important role because they have brought together representatives of betting operators, sport governing bodies, and public authorities in a tripartite group. Through working together under the leadership of the Gambling Commission, the parties, especially sport governing bodies and betting operators, have established closer relationships and been able to build a higher level of trust between them than was previously the case. Thus, the coordinating function where the Gambling Commission receives information and distributes the information to the relevant parties is important, but the fact that they bring together relevant parties at a neutral venue has been important too according to both betting operators and sport governing bodies.

Public prosecutors and Courts of Justice can initiate criminal investigations and prosecutions. Involvement of Public prosecutors and Courts of Justice will often be relevant in larger cases of match fixing involving more serious breaches of rules. They may address either the gambling regulator or the betting operators and sports organisations directly, to request information they need over the course of an investigation.

In the Netherlands, the public prosecution leads the tactical platform, where stakeholders share general information (not data on specific cases/persons). If the request for personal information comes from a public prosecutor or Courts of Justice, betting operators, regulators, or sport governing bodies will normally be legally obliged to share personal information. However, the police, public prosecutors, and courts of justice will often not be able to share information with betting operators and/or sport governing bodies. Upon receiving such information (which may include intelligence reports), they will analyse it and decide if it provides the foundation for a criminal investigation and prosecution.

## **2.4 HOW IS THE EXISTENCE OF SUSPICIOUS SPORTS BETTING ACTIVITY DETERMINED?**

Determining the existence of suspicious betting patterns requires the triangulation of evidence, with a mix of top-down statistical approaches to monitoring the betting markets, supplemented by investigative processes, expert level knowledge of as well as first hand exposure to a particular sport or market, and in many cases, common sense on behalf of experienced operators, sport associations, or regulators. It is rare for a single agency or type of organisation to be in a position to carry out this triangulation on its own. While betting operators and sports data firms have built up the capacity to monitor betting patterns and detect suspicious patterns, other sources of information are often useful to confirm suspicious activity.

Unlikely patterns in betting activity or the field of play are generally considered ‘unusual’ until there is a reason to consider them ‘suspicious.’ Sports are interesting precisely because unusual outcomes occur, and sports’ betting is predicated on the same idea.

Activities on the pitch can appear unusual. It is a fine line between ‘unusual’ and ‘suspicious’ patterns in sports betting, reinforced by a number of confounding factors. For example, players or teams can affect the outcome of a match through deliberate underperformance for ‘sports-related’ match fixing, such as to avoid a specific opponent in a tournament, to save particular athletes for later matches, or to keep particular tactics as surprises for later competitions.

However, when linked to betting, there is an additional element (betting-related match fixing) that is generally associated with unusual betting patterns. Unexplained outcomes and unusual betting patterns are generally the two necessary conditions that are linked to ‘suspicious’ patterns.

### **2.4.1 Overview of detection approaches**

Betting market patterns are generally the starting point for identifying unusual betting patterns. These include odds movements, single bets, volume of bets, continuing bets despite lowering of odds, deviation from statistical odds, bets which differs from a player’s usual betting pattern, and other abnormal patterns. Automated and human controls are deployed to observe the entire betting portfolio an operator offers.

Once a suspicious event is identified, further evidence must be used to corroborate the unusual event. The event is generally considered unusual until further evidence or motives can be identified to shift the perception to something that might be suspicious. The levels of suspicion may increase or decrease as additional knowledge is sourced, gleaned, and/or shared to give greater definition to the betting pattern being scrutinized.

Suspicious activity is viewed on a case by case basis and it is often important to take into account local factors based on the sport or county involved, but in general terms, the same processes and procedures can be applied to all sports and countries. There are no set criteria that set out whether a bet is suspicious or not and to a large extent a common sense and fact-based approach is needed to try to explain the observed patterns. The sets of criteria differ between betting operators.

### ***Market level patterns***

Various types of market patterns attract the attention of operators. The mix of patterns is judged on a case by case basis, and the experience and expertise of professional odds makers is used to review patterns detected through statistical data analysis. The unusual patterns include:

- Sudden unexpected activity on a particular market
- Bet sizes or volumes not typical for the type of market
- Price changes do not effect demand as expected
- Market trading volume deviates from than would be expected
- Activity polarise around a single specific outcome
- The market price becomes significantly out of line with traders' assessment of where it should be
- Large price movement
- Price movements that do not reflect the action on the pitch in an in-play market
- Unusual performance based on the historic records of the teams or participants in the match

### ***Account level patterns***

As mentioned licensed, regulated bookmakers invest heavily in “Know Your Customer” technology and other security software, as well as highly skilled experts to identify, track, and trace any attempts to manipulate results. Anonymous betting is difficult, in the licensed online environment: customers are required to submit proof of identity by providing bank account, credit card, and passport details and their identity is verified. Some betting operators do, however, accept pre-paid anonymous credit cards.

Unusual activity at the account level is traceable and monitored closely. Types of unusual patterns include the following:

- An account, or a group of linked accounts, risked or won far more than is the normal behaviour for the account(s)
- Customer staking markedly more than normal

- An account has been specifically opened to bet on a suspicious market
- One account, or a group of accounts, won a large percentage of all winnings in the market
- An account that has a bias towards betting for/against one of the teams suddenly switching

It is very important to note that odds makers have an incentive to detect individual risks in the system, using actuarial approaches similar to the insurance industry. Fixed-odds operators take a risk when accepting a bet: if the customer is right, the operator loses money. Hence, operators set a limit to the financial risk they are willing to take on any given market they offer, based on criteria such as the importance of the event, its liquidity, and available historical and statistical data. All these elements are the base for the automated compilation of the odds, together with the expertise of the bookmakers.

In general, if one or more customers place a bet, or multiple bets, that deviate from the set standards, the system will automatically raise a red flag or an alert. In addition, all operators interviewed have dedicated security teams. In general, security teams evaluate each alert, investigating all available transactional data as it is possible that an irregular betting pattern is justified by elements such as a last minute injury, a change in the team set-up, and/or relevant information coming in the news.

A betting activity which exhibits one or more of the following characteristics would probably be regarded as suspicious if it was unusual, as defined above, plus one or more additional factors:

- There was no logical explanation for observed market activity
- There was no new information concerning the event in the public domain
- The bet was or could be linked to someone or something previously known to the operator as suspicious or high-risk

In the case of abnormal betting on an event, mechanisms are in place to control exposure and bet offering, which will induce operators to lower odds or suspend specific betting offers as required. Few countries have a definition of suspicious sports betting activity and/or when the betting operators must inform the betting regulator. As the criteria are also not the same, there is no harmonisation or unification of the term “suspicious betting patterns” among operators.

Yet there is a potential gap between the threshold of suspending bets and the trigger that would compel a betting operator to inform regulators. Licensed betting operators are generally experienced in identifying suspicious activity and they seem to follow roughly the same guidelines, and it is often not predefined when they should inform the betting regulator. There is thus leeway for the industry to interpret the link between unusual activity and suspicious behaviour.

## 2.5 SCOPE OF INFORMATION SHARED

Betting operators and market data companies regularly share market-level information through provisions of MoUs or through informal channels. As long as no personal data is included, operators generally freely share information with the relevant bodies and authorities.



If personal data is affected (e.g. customer data), such data can only be shared if the necessary legal requirements and formal processes are observed. Account-level information is less easily shared, and generally only done so for the purposes of a specific investigation. Detailed customer information (names, addresses, credit card numbers, IP address, etc.) can be shared with public authorities and law enforcement agencies in case of an investigation into suspicious betting activity or match fixing, but there are specific data protection practices and, in some cases, regulations that prevent account level information from being shared.

In general, when a bettor opens an account they accept **Terms and Conditions** which include provision under an operator's privacy policy, which allow their personal details to be shared with regulators in certain circumstances. Terms and conditions signed by customers include the possibility to share information concerning their activity in case of suspicious betting behaviour or match fixing investigation. For example, the following conditions are taken from the Terms and Conditions of Betfair:

*Where required by law, your Personal Information may also be disclosed to an applicable governmental, regulatory, sporting or enforcement authority. Additionally, in circumstances where we deem it appropriate, your Personal Information may be disclosed to any regulatory authority (whether at the request of such authority or otherwise) which has issued Betfair with a gambling operating licence. Your Personal Information may also be disclosed to any regulatory or sporting body in connection with policing the integrity or enforcing the rules of a sport or game and/or prevention and detection of crime and with whom the Group has agreements (Memoranda of Understanding or "MOUs") from time to time for the sharing of such data and where the Group considers that there are reasonable grounds to suspect that you may be involved in a breach of such rules or the law, have knowledge of a breach of such rules or the law or otherwise pose a threat to the integrity of the relevant sport or game. Those bodies may then use your Personal Information to investigate and act on any such breaches in accordance with their procedures.*

An initial analysis of a suspicious event in question or an initial alert would often first be sent to other betting operators, sports governing bodies and/or betting regulators. This may include information on market volumes, price movements, or other types of market-level information. This is readily shared by operators and can be sent to leagues, sport associations, regulators, or other interested stakeholders.

In the event of an obligation to share information betting operators will often alert the relevant regulator with the initial analysis of the event in question, i.e. price movements and market volume. Each event is examined on a case by case basis, but operators will alert the relevant regulator and sport's governing body (if an MOU is in place) if suspicious betting activity is identified and this alert will be sent as early as possible, sometimes before the sporting event takes place (if possible).

Once further detailed analysis has been undertaken, and the situation moves from being 'unusual' to 'suspicious,' personal details and betting-related data associated with the customers in question may be shared, should there be sufficient suspicion. This is done in an *ad hoc* manner as part of a specific investigation, as generally stipulated by the Terms and Conditions.



## 2.6 OBSTACLES TO SHARING INFORMATION

Information shared about suspicious sport betting activity will often be personal information and must therefore respect the data protection requirements in that particular country and in that particular situation. This can present a barrier to sharing information.

The European Union Data Protection Directive 95/46/EC of 1995 sets the conditions for sharing of personal information. It is designed to:

- allow the free sharing of personal information within the EU
- protect the fundamental rights and freedoms of natural persons and, in particular, their right to privacy with respect to the processing of personal data.

European Union Data Protection Directive contains the fundamental criteria mentioned in article 8 of the European Convention on Human Rights, to respect the rights of privacy in personal and family life, as well as in the home and in personal correspondence. Further, it defines under what circumstances privacy infringements are allowed, so it is a legal exception in the sense of Article 8(2) European Convention on Human Rights.

According to Article 2 of the Directive, the term “personal data” refers to “any information relating to an identified or identifiable natural person (data subject); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural, or social identity”. This includes name, address, phone number, email address, birthdates, account number, etc. According to Article 2, the “processing of personal data” refers to “any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure, or destruction”.

Article 6 Directive 95/46 defines the following five data quality principles. Personal data must be:

- a) processed fairly and lawfully;
- b) collected for specified, explicit and legitimate purposes and not further processed in a way incompatible with those purposes. Further processing of data for historical, statistical or scientific purposes shall not be considered as incompatible provided that Member States provide appropriate safeguards;
- c) adequate, relevant and not excessive in relation to the purposes for which they are collected and/or further processed;

- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that data which are inaccurate or incomplete, having regard to the purposes for which they were collected or for which they are further processed, are erased or rectified;
- e) kept in a form, which permits identification of data subjects for no longer than is necessary for the purposes for which the data were collected or for which they are further processed. Member States shall lay down appropriate safeguards for personal data stored for longer periods for historical, statistical or scientific use.

Before a data controller can start processing of personal data, it is necessary to define the purpose for which the data are processed, the so-called purpose specification principle. This principle is the fundament under all data processing.

Besides the purpose, data processing is only legitimate if one of the following grounds applies (cf. Article 7 Directive 95/46). Personal data may be processed only if:

- a) the data subject has unambiguously given his consent; or
- b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract; or
- c) processing is necessary for compliance with a legal obligation to which the controller is subject; or
- d) processing is necessary in order to protect the vital interests of the data subject; or
- e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller or in a third party to whom the data are disclosed, or;
- f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by the third party or parties to whom the data are disclosed, except where such interests are overridden by the interests for fundamental rights and freedoms, in particular right of privacy.

Two article that are also relevant to mentioned are the ones on confidentiality and security. Article 16 of Directive 95/46 deals with confidentiality. Everyone who has access to personal data is only allowed to process those data if the controller instructed them to do so. The confidentiality of data should be guaranteed by all who are not already required to respect confidentiality based on professional secrecy.

Article 17(1) Directive 95/46 is about security. The controller must implement appropriate technical and organizational measures to protect personal data against loss or any form of unlawful processing. Having regard the state of the art and the cost of their implementation, such measures shall ensure a level of security

appropriate to the risks represented by the processing and the nature of the data to be protected. Those measures should also aim to prevent unnecessary collection and further processing.

All EU Member States have implemented the Data Protection Directive but there are significant differences in methods of implementation between Member States. Some countries interpret the directive strictly and some have a less strict interpretation. Differences between countries contribute to the insecurity surrounding what can be shared under what circumstances.

On 25 January 2012, the European Commission proposed a reform of the data protection rules to “strengthen online data protection rights and boost Europe’s digital economy”.<sup>14</sup> With these new rules, the European Union aims to modernize the rules and bring them in line with the digital-age.<sup>15</sup> One of the innovations will be a pan-European law for data protection, replacing the current national laws. As match fixing is borderless, regulation requires, to some extent, harmonized rules across jurisdictions to prevent regulatory gaps and create more legal certainty. Therefore, the hope is that this reform will improve the sharing of information across borders. On 12 March 2014 the European Parliament stated that:

*“Progress on EU data protection reform now irreversible following European Parliament vote”, “The message the European Parliament is sending is unequivocal: This reform is a necessity, and now it is irreversible.”, and “Today’s plenary vote means the position of the Parliament is now set in stone and will not change even if the composition of the Parliament changes following the European elections in May.”<sup>16</sup>*

Since the formal procedure for adopting the reform is co-decision, the Council has to agree but the Parliament seems confident the Council will accept the Regulation.

In addition to the general Data Protection Regulation, a Directive for data processing in criminal matters has been proposed (the Proposal for a Directive of the European Parliament and the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data).<sup>17</sup>

Recital 3 and 4 of the proposed Directive reads:

(3) Rapid technological developments and globalisation have brought new challenges for the protection of personal data. The scale of data collection and sharing has increased spectacularly. Technology allows competent authorities to make use of personal data on an unprecedented scale in order to pursue their activities.

(4) This requires facilitating the free flow of data between competent authorities within the Union and the transfer to third countries and international organisations, while ensuring a

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<sup>14</sup> MEMO/14/186 12/03/2014

<sup>15</sup> IP/12/46

<sup>16</sup> [http://europa.eu/rapid/press-release\\_MEMO-14-186\\_en.htm](http://europa.eu/rapid/press-release_MEMO-14-186_en.htm)

<sup>17</sup> Com/2012/010 final [http://ec.europa.eu/justice/data-protection/document/review2012/com\\_2012\\_10\\_en.pdf](http://ec.europa.eu/justice/data-protection/document/review2012/com_2012_10_en.pdf)

high level of protection of personal data. These developments require building a strong and more coherent data protection framework in the Union, backed by strong enforcement.”

According to Article 1(2) the Directive aims to:

- (a) protect the fundamental rights and freedoms of natural persons and in particular their right to the protection of personal data; and
- (b) ensure that the exchange of personal data by competent authorities within the Union is neither restricted nor prohibited for reasons connected with the protection of individuals with regard to the processing of personal data.

On 27 March 2013, the European Commission proposed to make the EU law enforcement agency (Europol) “more effective at collecting information, analysing it, and sharing these analyses with the Member States”.<sup>18</sup> The Commission strives for more (concrete) support to national law enforcement authorities in cross-border cooperation and investigations.<sup>19</sup> Since match fixing is foremost a cross border activity, this initiative might improve operational cooperation between Europol and the national authorities.

In general, two types of factors have been identified which influence the sharing of information. The legal framework and practical barriers to sharing of information.

### 2.6.1 The legal framework

As mentioned, sharing of personal data must always respect data protections law, which protects individuals from the sharing of their personal information in number of situations, for example if they have not given their consent.

The barriers for sharing of information are dependent on a number of factors, including:

- The type of information to be shared. Is it non-personal information – such as information on suspicious odds movements - or is it personal information?
- Whether the entity holding the information is willing to share the information or not?

As far as information on suspicious odds movements cannot be related to persons, data protection rules do not apply. The identification of persons can be both direct and indirect. In our present big data society information that is pseudonymous or even anonymous, can often be related to specific persons without much effort.

<sup>18</sup> General Report on the Activities of the European Union — 2013, European Commission Directorate-General for Communication, 2014, p. 138.

<sup>19</sup> Proposal for a regulation on the European Union Agency for Law Enforcement Cooperation and Training (Europol) (COM(2013) 173).

Interviewees from betting operators and regulators have pointed out that they can, in general, share information on suspicious odds movements. In theory everyone could collect this information since it is freely available online. Personal information such as name, address, phone number, personal identification number, betting transactions, and bank accounts have to be assessed more carefully. Some assess it on a case by case basis whereas others, such as betting operators in Austria, France and Denmark, have pointed out that they cannot share such information voluntarily. Differences between countries are due to different implementations of the Data Protection Directive.

There is an important difference both in criminal law and civil law between situations in which someone is allowed to share personal information, and those where someone can be forced to share. Thus, criminal and civil law can also facilitate sharing of personal information through law enforcement. If the information is not personal the law cannot enforce sharing of information. Thus, you could have a situation where a party can be forced to share information with law enforcement and even civil parties if it is personal, but not if the information is non-personal. However, we have not come across such situations in our research on match fixing.

Likewise, it is relevant to distinguish between situations when personal information cannot be shared for data protection reasons and when information will not be shared because the organisation in possession of the information is not willing to share the information. Sport governing bodies, and a few betting operators, have pointed out that they often find that law enforcement are not willing to share information with them because they are afraid it could interfere with investigations.

As mentioned betting operators will often state in their Terms and Conditions, which customers agree to upon opening an account, that personal information can be shared with relevant bodies such as the betting regulator and sport governing bodies with whom the betting operator has an MoU. Betting operators can therefore in principle share information with betting regulators and sport governing bodies. They can also choose to share information with organisations they do not have a MoU with if the recipient is able to handle personal information securely. At the same time the ability to share personal information based the customers accept of Terms and Conditions has not yet been tested in court.

In their statutes and regulations, similar sports federations can stipulate that they can share personal information from their members with relevant bodies. For example, The English Football Association has such a membership condition and uses it to justify the sharing of personal information when relevant. Thus, in general, betting operators and sport governing bodies have fewer limitations in sharing of information.

Still, there are barriers for sharing of information in certain situations. In 2013, Denmark had a case where a player bet on a series of matches he was involved in and thereby violated the match fixing rules. The bets were placed with land based bookmakers and the player arranged for two other people to pick up the winnings for him. As part of the investigation of the case, Danske Spil, the Danish National Lottery, passed on both the names of the player and of the two associates to the Danish Football Association. Danske Spil had not received permission to pass on the names of the two associates and received criticism in the press from the Players Association, experts in protection of personal data, etc. when the story broke. The Football Association claims, however, that they only received the information after the two associates had accepted

that the information was shared and the rules on sharing of personal information therefore had not been breached.

In a country like Austria, the betting operators cannot, due to data protection provisions, voluntarily share personal information to any external entity. The only way the betting operators can release information about suspicious sports betting activities in a specific case involving personal information is via a court order. Betting operators can only share information about suspicious odds changes. This information is widely available to the sports betting community already.

Also, under the current system in France, the release of personal data of betting clients by the betting operators to sport governing bodies and sport integrity units is restricted and prohibited. In the Netherlands, the processing of personal data is prohibited. This prohibition does however not apply if such processing is necessary to achieve an important public interest.

In general, however, due to national and/or EU data protection legislation, the main barrier for sharing of information is between public prosecutors and Courts of Justice on the one hand, and private organisations such as sport governing bodies and betting operators on the other. Often public prosecutors and Courts of Justice are either unable to share information with private organisations or unwilling to share information for fear that it might harm their case if information leaks. Thus, private organisations like sport governing bodies find it difficult to secure recognition as an entity that has legitimate rights to access and acquire personal data.

Some regulators also have information sharing agreements with other regulators. For example, the Spanish, Italian, and UK gambling regulators have cooperation and exchange of information agreements, but for a broader purpose and not just specific to match fixing. This is also described in appendix A.

In the UK, the Gambling Commission is allowed, by law, to share information with sport governing bodies if certain criteria are fulfilled. When deciding whether to share personal data, the following specific points are considered by the GC:

#### 1. Is the sharing justified?

- What is the sharing meant to achieve?
- What are the potential benefits and risks to individuals and/or society of sharing or not sharing?
- Is the sharing proportionate to the issue we are addressing?
- Could the objective actually be achieved without sharing personal data?

#### 2. Does the GC have the power to share?

- The GC firstly considers the nature of the information they have been asked to share, for example, was it given in confidence?
- Any legal obligation to share information, for example, a statutory requirement or a court order, is considered.

Where it is necessary to provide information to third parties, it will be subject to specific conditions, including the requirement to apply good information handling procedures, only retain the information for as long as necessary, and to not further disclose it without consent. The Gambling Commission would not be able to pass data on to those that do not have appropriate information handling procedures in place. The permission to share information only goes for the Gambling Commission and not the police or prosecutors. Often they will not share information.

In Spain, sports organizations and betting operators are obliged to inform the Spanish gambling regulator and the Public Prosecutor Office and Courts of Justice upon requests. The Spanish gambling regulator has received several requests for information from Public Prosecution relating to particular events within betting operations, which they have honoured. The betting operators can also share information with the gambling regulator if a player is suspected of collusion or fraud.

### **2.6.2 Practical barriers**

Practical barriers can also limit information sharing. As already mentioned, MoUs are often used to regulate the sharing of information. However, since many betting operators provide betting options, on many sports, in many countries, they will generally not have MoUs with sport governing bodies for all the sports and countries they cover. If they come across suspicious sport betting activity in a country and sport where they do not have a MoU, this can present a barrier to sharing of information. This is especially likely to be a barrier if the receiving sport governing body does not have good information handling procedures and can document that they are able to handle sensitive personal information which most likely will have great interest from the press and media.

Another significant practical barrier also relates to the multinational character of betting and match fixing. Suspicious sport betting activity will often be cross-border in nature, so that the bets are placed with a betting operator in one country, on a match in another country, and by punters in a third country. The betting operator or the betting regulator will therefore often be in a situation where the bets might be placed in their country, but on a match in another country, and by punters in another country. In order to share this information with the relevant public authorities and/or sport governing bodies, they must know who to contact and who to share the information with, which in itself can be quite a task. The national platforms suggested by the Council of Europe in the draft convention of match fixing could, if implemented successfully, help solve this problem.

## **2.7 POSSIBLE ROLE FOR THE EUROPEAN UNION**

There is a large potential for improving sharing of information on suspicious betting patterns among relevant actors. Practical and legal barriers on a national and cross-border level have been pointed out with regards to sharing information of suspicious sports betting activity and the European Union could play a role in facilitating information sharing and minimising both the practical and legal barriers.

The creation of a “national platform”, as suggested by the Council of Europe in the draft convention on match fixing, could solve some of the practical problems related to sharing of information nationally and across borders. There is currently no process in place to streamline sharing of information and cooperation between authorities, betting operators and sports bodies in many countries. Sharing of information is largely



based on personal relationships but the establishment of national platforms could facilitate improved cooperation.

The National Platform will also provide a single point of entry to relevant authorities in each country. Thus, a national platform in one country can collect information from relevant sources and share them with a national platform in another country. The national platform in the receiving country can then share information with the relevant actors in their country. This will substantially limit the number of actors involved, create a directory of contact persons covering all the countries which have ratified the convention, and streamline coordination and sharing of information across countries. **The EU could encourage member states to ratify and implement the Convention.**

At the same time, the establishment of a framework alone does not solve the problems. How the platforms are implemented, the actors invited to participate, the competencies given to the platforms and the amount of resources set aside, are essential decision and factors which will influence the impact of the national platforms. **In relation to this, the EU could work with Member States to support Member States that choose to join the convention.** Due to the financial constraints of which many countries are experiencing these years, it is not a given that the necessary resources will be devoted to the platforms.

As the structure of national platforms are established the EU should analyse if an **EU coordination unit/platform should be established to improve coordination of efforts, cooperation between platforms and information sharing at the European level.**

Sharing of non-operational information on, for example, match fixing risks, early warnings, irregular betting patterns and odds movements as well as sharing good practices can be improved and sharing of this type of information is not restricted the way sharing of personal information is. An EU coordination unit could also be granted such responsibilities.

There is little precedent from previous legal cases on the limits for sharing of personal information to guide actors and it is different from country to country how the rules on sharing of information are interpreted and what information can be shared. The uncertainty causes actors to be risk averse when it comes to information sharing. Thus, **there is a need to address the uncertainty and stimulate exchange of personal information within the limits of the data protection directive and the EU could take the lead in such efforts.** This could also extend to clarifying the role for enforcement agencies. Though outside the scope of this study, the unclear mandate or procedures for the use of the shared information constitutes a barrier for the effectiveness of efforts to combat match fixing.

It is complicated to provide guidelines for personal sharing of information since judgement must be applied in each case and no cases are identical but given the current state characterised by so little precedent it should be possible to bring more clarity on the boundaries for sharing of information. In the short term the EU could work with member states to clarify when and what information can be shared. Due to the differences between countries work could initially focus on what can be shared at the national level. The work could take the form of scenario workshops where relevant parties discuss fictional but realistic cases.



As mentioned the European Commission has proposed a reform of the data protection rules to “strengthen online data protection rights and boost Europe’s digital economy”. One of the innovations will be a pan-European law for data protection, replacing the current national laws. A pan European law will be helpful because it will bring harmonisation and unification of EU law and remove differences between countries. At the same time the exact interpretation of the rules in relation to match fixing will most likely be unclear. At least initially.

The EU could work to secure that the new pan European law allows sharing of personal information on suspicious betting patterns between relevant actors in the EU and, if required, develop specific provisions within data protection legislation to allow personal information to be shared in relation to betting integrity issues. This could involve improved potential for public authorities (such as the police, prosecutors, and gambling regulators), sport integrity and governing bodies, and betting operators to be able to share information. Once the new law is in place the EU could work with relevant actors, i.e. members of the national platforms, to develop guidance on how the new rules should be interpreted and what the limits are for sharing of personal information.

Finally, it is important that future EU initiatives is coordinated with other efforts by sport governing bodies, betting operators the Council of Europe, etc. If the EU initiates additional initiatives to the ones promoted by the Council of Europe, it is important that they are open for third countries, given the international nature of sports betting. The EU could also initiative improved cooperation with authorities in Asian countries as match fixing has often been linked to Asia. Betting integrity goes beyond Europe and it is important that countries inside and outside the European Union work together, coordinate their efforts, and share information through an enabling mechanism that supports the flow of information.

### 3. Appendix A. Case studies

This appendix consists of eight case studies for the following countries:

- Croatia
- Denmark
- Finland
- France
- Italy
- The Netherlands
- Spain
- United Kingdom

#### 3.1 CROATIA

##### **Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data**

In Croatia, there is no general framework related to suspicious sports betting activity. There are neither regulatory provisions nor regulatory obligations for the collection, processing, and sharing of knowledge and information regarding suspicious sports betting activity. According to the Act on Games of Chance<sup>20</sup>, enforced by the Tax Administration, under the Ministry of Finance, regulations only exist with regards to suspicion of money laundering activities and financing of terrorism.

Due to the lack of regulations, there is very little information shared related to suspicious sports betting activities. In addition, the sharing of information is further inhibited as Croatian betting operators view each other as competitors and are therefore reluctant to share information with each other. As a consequence, the betting operators do not share information unless explicitly requested by the national authorities in investigations related to money laundering activities or financing of terrorism.

In practice, betting operators focus on reducing their own potential financial losses of any kind of betting activity by employing internal risk management systems. Betting operators use their experience and knowledge about betting patterns in the various sports and leagues in order to identify suspicious betting activities. In general, the vast majority of turnover on the Croatian market is concentrated on the sports and/or leagues that pundits follow the most, such as popular European 1st tier leagues (Premier League, Bundesliga, and Croatian HNL) and ATP/WTB tennis tournaments. High turnover on those kinds of matches is common and is not considered suspicious. However, unusually high turnover on matches that are normally less attractive to the pundits of the betting operators (i.e. lower tier leagues, ITF tennis tournaments) raises suspicion about whether these matches are fixed. Also, betting operators monitor registered pundits,

<sup>20</sup> [http://www.porezna-uprava.hr/en\\_propisi/\\_layouts/in2.vuk.sp.propisi.intranet/propisi.aspx?id=pro33](http://www.porezna-uprava.hr/en_propisi/_layouts/in2.vuk.sp.propisi.intranet/propisi.aspx?id=pro33)

via their risk control systems, who are known to have placed (or tried to have placed) bets on such matches. The practice has shown that matches from lower tier football leagues and/or ITF tournaments are most commonly associated with alleged match fixing, although until today they have not had confirmation from any governing body that these matches were indeed fixed.

Furthermore, every sports event being offered has established maximum stake and maximum payout amounts. Therefore, minor events which might be more susceptible to suspicious activity have lower maximum amounts. Events are not strictly classified as suspicious or similar, but rather there are controls in place to always manage the betting operators' exposure and risk on any bet they are offering, including disabling the event on offer.

### **Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

There are no regulatory frameworks for the sharing of information and reporting of suspicious sports betting activity for either the National Lottery or private betting operators. However, the National Lottery cooperates with ELMS, and ELMS have signed agreements with various sport associations.

Furthermore, the National Lottery has reported six allegedly fixed ATP Challenger tennis matches to the Croatian state attorney's office, filing criminal charges against unknown offenders. The National Lottery cancelled all bets on the matches, which all ended as the bettors had predicted.

The sharing of information is inhibited by the laws on protection of private information, as well as prohibitions on the sharing of financial figures due to reasons such as a company being listed on the stock market or issues with competition laws. One of the consequences of these laws is that, the National Lottery does not share personal data regarding their players with the national regulator, the ELMS, or Matchinfo. On the other hand, the National Lottery believe that vital information could be shared without having to compromise the protection of personal data, or any kind of confidential company data.

A major private betting operator states that the main issue concerning the sharing of cross-border information is data protection. Due to the varying country-specific personal data protection requirements, there are difficulties in establishing the correct measures to utilize.

In order to further the sharing of information internally in Croatia, it is necessary to form a department for researching suspicious matches, so that rumors in need of further research can be investigated on a daily basis. This also requires funds that should be raised on an international level, as information shared and gathered benefits every organization included.

### **What happens after information is shared?**

Information on suspicious betting activity has been used in the prosecution of football players in the top Croatian Football League. However, there exist no agreements that specify feedback on the measures taken as a follow-up on the information received. In combination with the lack of formal information sharing procedures, it is difficult to gauge the extent of information sharing, as well as whether information passed on from betting operators has been used.

## Role of international partners - European institutions, international organisations, and other countries

There are no formal arrangements (bilateral, multilateral agreements) in place that allow for the exchange of information/knowledge between the bodies concerned (national authorities (regulators, police, public prosecutors, judicial bodies, etc.), sports organisations, and betting operators) either at cross-border level or at international level.

However, the National Lottery occasionally exchanges information with their neighbour lotteries if they have any enquires regarding suspicious matches. The communication is mostly done through e-mails. The data required on such occasions is mostly about the turnover on suspicious matches.

At the international level, the National Lottery shares information through the arrangements with Matchinfo and the ELMS organizations. The pre-match shared information is mostly regarding certain player injuries, club financial status, etc. that gives them indication on future odds movement and/or possible suspicious matches. Naturally, this can be interpreted only as a rumour until the final result of the match shows otherwise. Post-match inquiries are shared if those rumours (followed with increased turnover on those matches) become justified, mostly to compare turnovers of different members of the Matchinfo organization. Matchinfo/ELMS organizations then share their suspicions with the governing body for the suspicious match (i.e. UEFA for matches of European football leagues).

Although it does its work in a professional manner, and works hard to fulfil its goals, it should have a larger network spread around more members of the ELMS, in order to obtain additional information and be more efficient.

## Potential role for international partners, especially the EU

Currently, the information sharing on cross-border or international level is on a volunteer base, with no strict obligation to do so. More organization and structure should be implemented in the information sharing system, and this could be done through EU institutions.

According to the National Lottery, a possible solution would be to form a legal basis for cooperation and information sharing on an international level, through which betting organizations should be obligated to share information on suspicious matches. The basis could be a legal body at an international or EU level that is supported by the EU itself (consequently, the national governments and their bodies). The body should be proactive on matters of sharing information, education, and investigation of alleged fixed matches. This could potentially lead to more strict control of suspicious matches, thereby decreasing the risk of foul play. The final winner is sport itself.

More optimistically, the ideal solution would be to have a WADA-like agency on international level that would deal with this issue, as well as legal prerequisites that would define obligatory actions for all sports betting operators.

## 3.2 DENMARK

### Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data

Until 1 January 2012, Denmark experienced a monopoly, only allowing the National Lottery, Danske Spil, to offer sports betting. Since then, Denmark has opened up its market for private and international betting operators, provided that the potential operator is able to obtain a licence to operate on the Danish market. The licence is granted by the national regulator, which is a subsidiary of the Danish Tax Authorities.

The few cases of match fixing are limited to a couple of football players, who were caught betting on their own matches.<sup>21</sup> There has not been any case of large scale, organised match fixing, involving a group of people or suspicious volumes of betting amounts. However, Denmark is an interesting case as many consider licences an efficient tool against suspicious sports betting activities, as it secures that information is shared among relevant parties.

Although there is no direct requirement to collect and store relevant data on sports betting activity or to share information on suspicious betting activity, Section 22 in executive order No. 66 on the Provision on Online Betting and Section 7 in executive order No. 65 on land-based betting states that:

*“The gambling operator (licence holders) shall take measures to reduce the risk of collusion (match fixing) in betting and shall refuse to accept wagers in betting where there are grounds to suspect collusion.”*

Betting operators are therefore obliged to take active measures to reduce the risk of match fixing, which often done through the storing and processing of information on customers and betting patterns.

The Danish Sports Confederation is another central player in maintaining betting integrity. The Sports Confederation is not obliged to collect or share information on match fixing but has regulations that prohibit match fixing for athletes, referees, and other actors involved in sports. In 2013, the Sports Confederation implemented common rules against match fixing for its 61 sports federations and all those involved in sports in the 61 sports federations. The regulations also state any individual that comes across match fixing is obliged to immediately inform the match fixing secretariat, a subdivision of the Danish Sports Confederation. The match fixing secretariat investigates suspicions of match fixing. If suspicions are substantiated, cases are brought forward to the match fixing board. Violation of the rules can be sanctioned with exclusion, fines, cancellation of results, etc. The efforts to maintain betting integrity also includes various preventive efforts.

The Danish Football Association was the first to develop rules against match fixing in Denmark, by banning players from playing on their own matches through clauses in players' contracts and introduced educational and preventive measures.

The Ministry of Culture, for which sports falls under, represents Denmark in the Council of Europe and under negotiations in match fixing conventions. In 2013, The Ministry of Culture established a task force to

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<sup>21</sup> Technically, this is not defined as match fixing but is deemed unethical and not allowed.

examine whether the current rules in the Gambling Act (and introduced by the Sport Governing bodies) are sufficient to safeguard betting integrity, or whether additional rules or regulations are required. The task force consists of relevant authorities and sports associations, and the ensuing report is expected shortly.

### **Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

There are no requirements to share information or report suspicious behaviour, and the public/regulatory level has not discussed, or even encouraged, the establishment of self-regulatory systems either. Currently, no information regarding suspicious sports betting has been shared with the Gambling Regulator.

The National Lottery has a voluntary agreement with the Danish Football Association, the Danish Handball Federation, and the National Ice Hockey Union to monitor betting on matches and to immediately contact the federation in the event of unusual betting. Similarly, some of the private betting operators have memorandums of understanding with the major sports federations to share information in the event of suspicious betting patterns.

Additionally, each licence holder may voluntarily choose to be associated with a European/International monitoring system, such as the ELMS, ESSA, and/or EWS. The ELMS is coordinated by the Danish National Lottery, which is by far the largest betting operator in Denmark, with a market share up to 60%. ESSA members such as Bet365 and Unibet have licenses in Denmark.

In 2013, a Danish football player violated the match fixing rules by placing bets on a series of matches he was involved in. The bets were placed with land-based bookmakers and the player had arranged for two women to pick up the winnings for him. As part of the investigation, the National Lottery passed on the names of the player and the two women to the Danish Football Association. As the National Lottery had not received permission to pass on the names of the women to the football association, they were criticized by the Players Association and experts on protection of personal data. However, the Football Association claims that they only received the information after the two women had allowed their names to be shared, and therefore did not violate the data protection law. This offense may result in a fine or possibly a court case if the National Lottery is found guilty violating the data protection law.

Even though Denmark has recently revised its Gambling Act, match fixing and the protection of betting integrity only play minor roles in the Gambling Act. Most initiatives and improvements to the framework have taken place outside the gambling act and have been driven by actors other than the Gambling Regulator. In this respect, Denmark is different from say the UK where the UK Gambling Commission is the central player and has introduced a comprehensive framework to safeguard betting integrity. See the case study on the UK for a description of the role and initiatives of the UK Gambling Commission.

### **Role of international partners - European institutions, international organisations, and other countries**

As the Gambling Regulator has yet to share information across borders, there have been no incidences related to information sharing on an international level. However, once international information sharing takes place, issues of data protection will have to be addressed on an international level.

As previously mentioned, certain betting operators are involved in sharing information internationally through organisations such as ESSA and the ELMS. However, one of the large, licensed betting operators in Denmark has lobbied for a change of the current rules so that as part of their licence agreement, betting operators are automatically obliged to inform the betting regulator of suspicious betting patterns. Assuming that the Gambling Regulator is the recipient of said information, an obligation to share information will put pressure on them to develop procedures for how to handle and act on the information.

### 3.3 FINLAND

#### Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data

Match fixing, including suspicious sports betting activity, is generally not considered to be a significant issue in Finland, though attitudes appear to be changing due to recent cases of match fixing, for example, in the Finnish first and second division football leagues from 2008-2011. Specifically, the case of the *Veikkausliiga*<sup>22</sup> club RoPS<sup>23</sup> has attracted both national and international attention. Over 20 matches were fixed by international match fixers and several convictions followed. Currently, the issue is not part of any anti-crime strategy or action plan, nor are there specific laws governing it (Peurala 2013: 277). The current government programme (2011: 61) states that “the operating conditions of ethically sustainable, equal, and pluralistic top-level sports will be secured.” Based on this, a recent report by Lauri Tarasti, commissioned by the Ministry of Education and Culture, examines ethical questions in sport, including match fixing (Tarasti 2014: 6). The report includes suggestions on how to tackle the issue more systematically in the future.

In Finland, gambling is generally banned, with an exception granted to the Finnish National Lottery, Veikkaus Oy. The National Lottery is the only operator of sports betting in Finland, with the exception of horse racing, which is handled by Fintoto Oy. By law, the National Lottery is only required to pass information on to the Financial Intelligence Unit if the information concerns suspected money laundering. Additionally, the National Lottery is authorized to suspend suspicious transactions. The recipients of information are not equally obliged to inform about any follow-up measures based on the information. There are no regulatory obligations to inform other stakeholders, but several self-regulatory frameworks are in place.

While there is no specific regulatory and legal framework related to suspicious sport activity in place, the issue is covered by the Lotteries Act (1047/2001)<sup>24</sup>, which is regulated by the Ministry of the Interior, and, if applicable, the Act on Detecting and Preventing Money Laundering and Terrorist Financing (503/2008).<sup>25</sup> The Lotteries Act grants the National Lottery the monopoly on betting games in Finland, while the Act on Detecting and Preventing Money Laundering and Terrorist Financing includes obligations for betting operators to report suspicious transactions. According to the Lotteries Act, a bettor has to reveal his identity if a single bet exceeds EUR 3,000 (Peurala 2013: 274f.). Relevant actors include, in addition to the National

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<sup>22</sup>Premier division of Finnish football.

<sup>23</sup>*Rovaniemen Palloseura*, the Rovaniemi football club.

<sup>24</sup><http://www.finlex.fi/fi/laki/kaannokset/2001/en20011047.pdf>

<sup>25</sup> <http://www.finlex.fi/fi/laki/kaannokset/2008/en20080503.pdf>



Lottery, sports associations, and the Police authorities, who investigate cases where criminal activity is suspected. The Ministry of Education and Culture is responsible for sports in Finland. As such, it ensures that all actors have enough information on the issue of match fixing and that the regulatory framework in place is sufficient to deal with the issue. They are not involved in the collection, processing, and storing of data and intelligence regarding suspicious sports betting activity.

As an example, the international match-fixer, Wilson Raj Perumal, who fixed (among others) several RoPS games, was convicted of bribery in business and sentenced to two years of imprisonment, of which he served one year in Finland. Given the potential severity of match fixing, sanctions in Finland are quite low. The framework could be improved by providing stronger and more specific legislation that would make the crime easier to prove and easier to process, either in the context of existing legislation or match fixing-specific legislation.<sup>26</sup> Recently, Perumal was taken into custody at the Helsinki-Vantaa Airport, on an international warrant by Singaporean authorities.<sup>27</sup>

### Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity

In Finland, there are no provisions, rules, or legislation for the sharing of information and reporting of suspicious sports betting activity, unless it is considered part of a criminal investigation. However, sports organisations employ self-regulatory tools such the early warning system used in football, with Police, the National Lottery, and the Finnish Football Association, *Palloliitto*. Additionally, sports organisations inform the Police in cases of suspicion and follow a disciplinary procedure and crisis communication plan. Shared information generally leads to a few launched formal investigations each year.

Generally, the National Lottery collaborates on sport integrity issues with all sports organisations and federations with an interest in protecting the integrity of their sport, and also shares information with sports organisations that they do not have information sharing agreements with. On issues of the protection of personal data, the National Lottery is bound by national and EU law on the protection of the identity of their customers. In the context of self-regulation and cooperation, the National Lottery limits information to irregularities in betting odds and suspicious volumes of betting amounts. In the context of a criminal investigation, the National Lottery fully cooperates with Police and other authorities within the scope of the applicable law. The National Lottery has surveillance mechanisms in place that monitor betting on the sporting events it offers. In addition to surveying this small fraction of the international betting market themselves, they also work with international partners.<sup>28</sup>

Since 2007, a detailed manual of match fixing prevention procedure, guides the collection and communication of information on the national level. It is produced and implemented by the National Lottery, the Finnish Football Federation, and the Police. The contents of this manual are highly confidential.

<sup>26</sup>Peurala (2013: 277f.) provides a more detailed view on current legislative issues. For instance, the charge of bribery in business can be problematic to apply to match fixing cases, given that sports clubs are not necessarily conducting business, if they are registered associations.

<sup>27</sup><http://www.helsinkitimes.fi/finland/finland-news/domestic/10318-wanted-football-match-fixer-nabbed-in-finland.html>

<sup>28</sup>See Section 4.



The manual lists 14 types of match manipulation and includes detailed procedures for the role of each party, as well as an action plan to be followed in the case of suspicious behaviour. The parties included are the Finnish Football Association, *Veikkausliiga*, the Football Players Association of Finland, the Referee Association, and the National Lottery. The National Lottery also has a network of local sports experts and scouts who report any irregularities in football matches. They produce detailed reports of all matches they attend and are well integrated into each sporting organisation. Generally, stakeholders see the manual as an effective guideline for cooperation in the case of suspicion. However, the manual does not provide a seamless plan for interaction with authorities. Given the high levels of trust and the low levels of corruption in Finland, this informal arrangement works sufficiently well. However, it can be considered problematic that there is no formal legal procedure and that the sports movement has the initiative to disclose suspicious activity to authorities.

Typically, the Finnish Football Association and the National Lottery start looking into a match after suspicion of irregular gambling activity has been voiced in the media and inquiring calls start coming in. The Finnish Football Association designated a single spokesperson with experience representing the association to comment on the case. After this, the National Lottery and the Finnish Football Association contact each other to exchange information. Commonly, the Police also inquire at this point, asking for further information on the case. The association then gather additional information through its own channels, FIFA and UEFA, while the National Lottery acquires more information from its partners. The report of the match delegation is consulted, the referee of the match is contacted and the match video is reviewed. This process takes several days, after that a decision on further investigation is made. When reviewing the information, real time betting information is compared to events on the pitch occurring at the same time, such as referee decisions, including bookings, standards, and goals.

The Football Players Association of Finland has an effective self-policing system in place. The “Red Button” mobile application is installed on about 1,200 phones of Finnish first (*Veikkausliiga*) and second division (*Ykkönen*) players. Using the app, players can anonymously report suspicions of match fixing. The message is sent to a security company that, together with the Football Players Association of Finland, decides if the information is forwarded to the National Lottery and, through them, to the Police (Tarasti 2014: 14f.).

Finnish stakeholders, including Ministries and the National Lottery, are organized in an unofficial working group preparing the draft of the EPAS international convention to combat the manipulation of sports competitions. The EPAS Convention drafting committee is chaired by Harri Syväsalmi of the Ministry of Education and Culture. For the future, closer cooperation between actors governing ethical issues in sport has been suggested in a recent report by Lauri Tarasti on the topic, commissioned by the Ministry of Education and Culture. The model for cooperation is yet to be decided. To some extent, it depends on the EPAS convention. If ratified, the convention would require Member States to form a national platform for communicating and exchanging information with other Member States and the Council of Europe (Tarasti 2014: 19). Tarasti proposes four different models, all with the goal of providing a national platform for the supervision of sports manipulation (and other ethical questions in sport). In general, a national platform could also contribute to more efficient information sharing procedures on suspicious sports betting activity nationally. A stakeholder suggestion for the national platform is to include a small, specialized team with a background in the gambling business, sports, and Police work that would support Police investigations. These

investigations would be handled by a Police division with expertise on the issue of match fixing, to prevent counter-productive measures.

### What happens after information is shared?

Generally, there are no regulatory obligations to follow up when information is shared. However, the sharing of information leads to a few investigations each year, based on self-regulatory arrangements between the National Lottery, sports associations, and Police authorities. If potentially suspicious betting activity is observed, the sports association decides to evaluate the case together with the Police. The Police will then launch an investigation, if they agree with the suspicion. Then the sports association passes their research and reports to the investigative Police and supports the investigation within the scope of applicable law.

### Role of international partners - European institutions, international organisations, and other countries

There are no regulatory arrangements, but sports organisations participate in international platforms, such as meetings and workshops where information and good practices are shared. For sports organisations, the main challenge for international cooperation are the exchange of information, the unwillingness of some countries to deal with the issues, a differing understanding of the magnitude of the issues and differing legal cultures. Palloliitto cooperates weekly with UEFA and monthly with FIFA. The football associations of the Nordic countries cooperate closely. The federations organize several meetings a year. As the Nordic countries are similar in many aspects, the Finnish federation feels that it is important they share information and help each other in match fixing issues.

The National Lottery participates in the ELMS. Internationally, information is collected and communicated primarily through this instrument. The lottery industry plans to develop this network further by implementing a worldwide monitoring system by the end of 2015 that would include lotteries from North America (mostly Canada), South America, and Asia. The goal is to provide better surveillance of suspicious betting activity by hiring more people and developing better software.

### Potential role for international partners, especially the EU

The potential role for international partners in the future is to some extent dependent on the EPAS convention. As previously mentioned, Tarasti proposes a national platform that would be responsible for communicating and exchanging information with other Member States and the EU council.

Interviewed stakeholders identify several challenges for the cross-border sharing of information. As countries have different jurisdictions, they identify the need for a common understanding between states, for example, a convention on the sharing of relevant data. National legislation is important, as countries have different traditions in gambling and betting, and the responsible institutions operate differently. However, the Commission could promote minimum standards and best practices. To support national systems of information sharing, the Commission could invest in information, research, and prevention.

To support information sharing across borders, EU institutions could promote cross-border cooperation and cooperation between national platforms in fight against match fixing. EU actions should not prohibit or hinder any exchange of information. Currently there are no processes in the EU where the Sports Division of

the Ministry of Education and Culture could participate. It might be necessary to provide an EU platform where responsible ministries could cooperate.

To support information sharing with European institutions or international organisations, most stakeholders agree that the EU should focus on existing structures. In the case of criminal work, Europol and Interpol could profit from additional funding for the issue of match fixing. Sports organisations coordinating efforts against match fixing in the EU, such as the UEFA, could also benefit from additional funding for better tools.

### 3.4 FRANCE

#### Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data

In 2010, the online betting market in France was opened up to competition. The Law No. 2010-476 entered into force on 12th May 2010. This law regulates the competition in the betting sector. Licensed betting operators are authorised to offer online betting and gambling on the French market. Article 4 of the law defines sports betting as betting based on money bets and possible winnings for the players, depending on the exactitude of their predictions, affecting the results of real sports events, legally offered in France or abroad. The authorized sports betting methods are: a) pool betting or fixed odds betting (live betting as well as pre-match betting). In addition, the Decree No. 2010-483 of 12 May 2010 states that ARJEL defines the list of betting authorised supports, and that licensed operators can offer sports bets if they rely on the sports competitions and the sports types of results defined by the Online Gaming Regulatory Authority (l. Autorite de regulation des jeux en ligne, namely, ARJEL).

ARJEL is, by law, the independent administrative authority and the authorized body to license and control the activity of the authorised betting operators. Article 12 of the law stipulates in short that “... *The said sport betting can be organised only for one of the competition categories as defined by the ARJEL in accordance with the terms as set out by the regulations*” and “*the types of results on which betting is based, as well as the associated gaming phases are set, individually for each form of sport, by ARJEL.*” According to Decree No. 2010-483, there is a list of criteria which the ARJEL’s board can take into account to define the competition categories that can support the organisation of sports betting. Among the criteria are: the quality of the event organiser, the regulations applicable to these events (e.g. regarding the publicity of the results of the competition), the age of the participants, etc.

#### Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity

The control-system is concerned with limiting financial risks and ARJEL therefore monitors all betting activity of the licensed betting operators, and is able to access all detailed information related to actors registered by licensed operators (e.g. IP-addresses, details of their betting behaviour, etc.). Under the *droit à Paris*, the licensed betting operators need to report cases where they suspend bets due to issues such as anomalies in turnover.

To discover such issues, licensed betting operators work with various alert tools such as SportRadar. The betting operators also monitor (unusually) high-bets, wages in other shares than expected regarding the statistics, “strange” odds, also the total amount of bets, etc. The criteria for anomalies are based on practice and experience. As an alert detects anomalies, it is not equated with corruption.

Alongside the alert-system, licensed operators have agreements (MoU’s) with various sports entities (UEFA, FIFA, IOC, etc.). The licence holders have an open dialogue with these sport entities and will inform them upon detecting of suspicious betting activity. The licensed betting operators also share the information regarding unusual behaviour with the French League.

However, there are no specific provisions, rules, or regulations for the collection and processing of information and knowledge regarding suspicious sports betting activity. The licence holders file data which might be related to suspicious sports betting activity, but they are not obligated to submit information.

### What happens after information is shared?

According to law No. 2012-158, the sports federations may ask ARJEL to examine whether actors within their sport (the players, referees, etc.) have respected the prohibition of betting on their sport/competition. In the case where an actor violates the ban, the sports federations may take disciplinary measures. However, due to data protection laws, licensed operators are only prohibited to share information about wagers and trends, and not personal data.

Law enforcement agencies are exemption from this law, and may therefore receive personal information from licensed operators upon request. This shared information has previously led to a number of formal investigations and court procedures. However, the betting operators are not always notified of the subsequent legal procedures.

In a specific case, the licensed betting operator noticed an anomaly in betting patterns with regards to a second division team. An extremely high percentage of the inhabitants of one of the team’s city bet that “their team” would lose the game. The licensed operator informed the French League, and confidentially informed ARJEL and the Police. Prior to the start of the match, the CEO’s of the two clubs, the delegates in charge of the organization, and the two captains, were contacted and a meeting was set up just before the start of the match. The licensed operator explained that “unusual betting patterns” were detected, and that the operator had suspended the bets. The team ended up winning, although the majority of the bets predicted a loss. This is an example of a preventative method employed upon detection of suspicious betting patterns.

### Towards a national platform in France

Currently, ARJEL is only able to monitor bets placed within the national territory. One of the respondents states that “according to bets placed abroad on a sporting competition hosted in France, the identification of a national platform serving as an information hub, collecting and disseminating information to the relevant organisation and authorities in each Member State is needed.” However, ARJEL was recently nominated by the French Ministries of Budget and Sports, to report on the feasibility of such a national platform. According to this specific respondent, this platform should “receive, centralise and analyse information on bets placed on sports competition on possible infringements of laws or sports regulations to public

authorities or to sports organisations and/or sports betting operators and co-operate with all organisations and relevant authorities at national and international level, including national platforms of other States.”

### **Potential role for international partners, especially the EU**

One of the respondents stated that at an EU level, “the EU could stimulate national governments to take this subject as serious.” Furthermore, a respondent suggested “installing local platforms to gather information, to store it, and to share it with other local platforms within the EU.” The EU can advise regarding “the structure, the kind of data that could be gathered, and develop an even standard for an optimum of exchange of information on an international level.” Another respondent stated that a cross-border platform might be a good idea.

## **3.5 ITALY**

### **Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data**

Italy’s overall regulatory and legal framework, related to suspicious sports betting activities consists of Law No. 401/89 and the Decree of Minister of Interior 15 June 2011. The Italian regulatory authority, ADM, cooperates with the UISS and GISS, two dedicated national units set up in accordance with the Decree of Minister of Interior 15 June 2011, on fighting match fixing. Sports organisations, betting operators, and gambling regulators are required to pass on information on suspicious sport betting behaviour to the ADM, UISS, and GISS.

ADM have access in real time to all the transactional data generated by the licensed operators. They have dedicated employees that monitor the betting patterns in the country and can therefore spot irregular betting activities and ask the licensed operators for additional information, if need be. In addition, all licensed operators are under the obligation to report all suspicious activities they detect in their system and to assist both the regulator and law enforcement agencies in case of further investigation. These rules apply to all sports offered on the market.

### **Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

The ADM is aware of all data from the Italian legal bookmakers, because all transactions are approved by the Regulator’s system. Furthermore, when the betting operators notice an event with unexpected money distribution and suspend the bets on that event, they must send an e-mail to the Regulator.

The aforementioned decree describes the procedure Italian Public Administrations should follow if ADM communicates possible cases of match fixing. At times, the ADM warns the sports leagues involved as a follow-up on information received from the betting operators. If the AAM receives an alert on a non-Italian match, it warns the gambling regulators of other Member States. This information is also shared with the International Olympic Committee and FIFA.

The ADM detect and store data on suspicious matches. The ADM does not take on the task of identifying punters or developing the data further without a specific request from the police or Judges. The data is stored according to the specific law related to personal data protection. For the online market, they use the 'Know Your Customer' approach, which places a unique ID on every transaction, essentially making it possible to retrieve all information on punter identification, time, place, bet, and size of bet.

Privacy information is shared only with police however, in cases involving high bets associated with money laundering; information is also shared with the Bank of Italy (central bank of Italy). Information that can lead to identification of punters cannot be shared with international organisations.

Apart from the information shared with the gambling authority, there are no regulatory obligations for betting operators to share or submit information to relevant parties. However, several betting operators are voluntarily part of European networks such as the ELMS and ESSA.

The bookmakers at a major private betting operator follow the development of the events, second by second, and adapt the odds accordingly. If one, or more, customers place a bet, or multiple bets, that deviate from the set standards, the system will automatically raise an alert. The security team evaluates each alert, investigating all available transactional data, as it is possible that the detected, irregular betting pattern is justified by elements such as a last minute injury, a change in the team set-up, and relevant information coming in the news. If the investigative team cannot justify the irregular betting pattern, the bet is then classified as suspicious, and the information passed on to ESSA and/or the relevant regulatory authority and sport body. Procedures and criteria to identify suspicious bets are not based on legislation but on operators' experience and knowledge of the market. The same procedures and criteria are used for all sports and countries.

### **What happens after information is shared?**

Licensed operators have provided a lot of information, through the regulator ADM, to support the investigation on Italian football that has, over the past two years, led to a number of arrests and convictions for fraud, match fixing, and bribery. Thus the information can be used in court procedures.

However, there is no formal structure for feedback to the betting operators and, as a result; they have little knowledge of what happens once they have shared information with sports bodies and/or regulatory authorities.

### **Role of international partners - European institutions, international organisations, and other countries**

As stated above, several betting operators cooperate and share information with international networks such as the ELMS, ESSA, and EPAS. The ADM to shares information related to sport events and the place where the bets were placed. Related to suspicious matches, this information is shared with IOC and FIFA.

The sharing of information is challenged by several factors such as data protection laws, operational difficulties linked to the number of parties involved in the process and that several stakeholders do not know their own data or are not able to work them.



The system could be improved by defining clearer and common standards for as many jurisdictions as possible, which the draft convention of the Council of Europe is trying to do.

### Potential role for international partners, especially the EU

The EU has been working with the Council of Europe on a Convention on match fixing that is currently being finalized and could be ready for ratification from Member States of the Council of Europe as early as mid September 2014. Core to the convention are national platforms that would bring together the regulator, the operators, the sports bodies, and the law enforcement agencies of a given country to guarantee an effective monitoring and exchange of information for all stakeholders. Every national platform would be in contact with national platforms of other ratifying States to form an international network. This can only be achieved if Member States decide to open up their markets and the best way to achieve this would be through harmonization, otherwise the current patchwork of different approaches and regulations across Europe would make it virtually impossible to reach the desired goal.

In order to facilitate the harmonization process, the EU could approve a communitarian law that provides the rules for sharing information.

## 3.6 THE NETHERLANDS

### Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data

The Dutch government commissioned a joint research team from VU University, Tilburg University, and E&Y to investigate match fixing in the Netherlands. In 2013, these researchers investigated whether, and on what scale, match fixing in the Netherlands takes place and how it can be counteracted and prevented effectively. The research was finished in September 2013. The researchers concluded that, although match fixing occurs in the Netherlands, there is no reason to believe that games are widely manipulated or that entire leagues are corrupted in the Netherlands. This research was the starting point for several measures against match fixing, such as a national platform for the sharing of information.

Currently, gambling activity is still monopolized by the State. *Wet op de Kansspelen*, The Dutch Betting and Gaming Act, prohibits offering games of chance if no licence has been granted. It provides a licensing scheme for certain activities, such as good-causes lotteries, state lottery, instant lotteries, sports betting, lotto, horserace betting, and casinos (including poker). Holland Casino holds an exclusive licence for offline casino gambling. The Dutch government has granted a licence for the organization of lotto games, instant lotteries, and sports bets, to the *Stichting Nationale Sport totalisator*, the Lotto. The licence for the organization for horserace betting was granted to a limited company, Sportech PLC. In 2011, the Dutch Betting and Gaming Act was re-launched as the Dutch Gaming Authority. The Board of Directors of the Dutch Gaming Authority has assumed the powers of the State Secretary of Security and Justice with respect to the allocation, amendment, and withdrawal, of licences referred to in the Dutch Betting and Gaming Act. In addition, the Board will be involved in the monitoring and enforcement of applicable legislation and the licences. Monitoring and enforcement is directed towards the operators of illegal games of chance and the licensees.

The Dutch Gaming Authority is able to exercise supervision by attaching conditions to the licences to be granted. The Dutch Gaming Authority has the power to enforce the law if the conditions attached to the licence are not complied with.

In May 2013, the Dutch government proposed a new gaming law regarding remote gambling. The draft bill was submitted to the Council of State for advice and will be further debated in Parliament. This proposed new law will enable licences for Internet gambling services in the Netherlands. If the bill becomes law, the remote market will be newly regulated and a more open market will be effective, presumably in 2015. According to the new law, all kinds of sports betting will fall under the scope of the law, except for spread betting. Spread betting will remain be forbidden.

### Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity

Directive 95/46/EC has been implemented in the Netherlands. There are two relevant Acts: (a) *Wet beschermingpersoonsgegevens* - the Act on the Protection of Personal Data of 6 July 2000 and (b) *vrijstellingsbesluit Wbp* - the Exemption Decree DPA of 7 May 2001. Alongside the two Acts, the Police Data Act is relevant as well.

Currently, formally regulated rules at the legislative level about the sharing of information between the parties are non-existent. There are however a number of initiatives to facilitate the sharing of information between the relevant stakeholders. Such initiatives have no legal status.

In an investigation, examining whether, and what kind of, information can be shared between the relevant parties, respondents indicated that an underlying contract between the Dutch Public Prosecution Service and the Sports Organisation is necessary when sharing personal data.<sup>29</sup> At this point in time, the contract has yet to be finalized and each organization is therefore personally responsible for dealing with confidential and personal information issues, within the scope of the respective laws.

In most sports there are no match fixing specific regulations. As football is by far the most regulated sport in the Netherlands, it is often used as an example for other sports. At the moment, football has specific rules with regards to match fixing in football. Next to this the Dutch National Committee has come up with a set of rules to fight match fixing for top sports leagues. Both the Royal Dutch Football Association, *KNVB*, and the Dutch Olympic Association, *NOC\*NSF*, work hard on the prevention of match fixing. The VVCS, the Dutch Players Association, is also active on this field. *NOC\*NSF* currently works on an (far broader) integrity plan, in which matters relating to integrity issues can be examined, reported and sanctioned.

In the past few years, the Royal Dutch Football Association, *KNVB*, has not received information regarding irregular betting patterns. Previously, the Football Association received information about irregular betting

<sup>29</sup> This does not apply to a criminal investigation case, however. If there is an ongoing investigation the public prosecutor can request any type of information from private parties based on the *Wet bevoegdheden vorderen gegevens*. The police can independently request identifying information such as names, account numbers, etc. The receiver of the request is obliged to comply.



patterns from SportRadar. However, this information has never resulted in a disciplinary case or a criminal court case. The Lotto also gathers information about irregular betting patterns and shares this information with entities such as the Integrity Commission of the Football Association.

When prosecutors from the Football Association receive information regarding suspicious activities, they can ask the Integrity Commission to investigate the case. There are two possible outcomes of an investigation: a) disciplinary proceedings or b) the sharing of information within the national platform (see below). The Integrity commission doesn't share information with other parties itself.

In the upcoming law, future online gambling operators (licence holders) need to have some kind of betting fraud detection system. Although the government stated that the "current detection systems are far from perfect", the government sees such a system as one of the detection measures.

Besides betting fraud detection systems, the Netherlands has a number of telephone numbers where people are anonymously able to relay information regarding match fixing. The independent Foundation M opened their tip line especially for reports of match fixing, "The foundation sends anonymous reports to public and private partners, including the Police, and other investigative agencies." In the cases where the information is concrete, M can pass this information to say the Police. The Dutch Football association also has a tip line, but research shows that it is hardly called. NOS\*NSF has recently installed a confidential line ("Vertrouwenspunt Sport"). People can ask question, have a confidential conversation and might report certain non-integer behaviour (also with regards to match fixing). People get advice i.e. about the steps that can be taken.

### **What happens after information is shared?**

In the Netherlands, the investigative services such as Police, FIOD (the Anti-Fraud Agency), and the Public Prosecutor, are in charge of the criminal investigation and prosecution of criminal offenses. In the Netherlands, match fixing is not included in the Criminal Code as a separate criminal offense but rather falls within the scope of general criminal provisions.

Suspicious betting patterns are, in themselves, not sufficient to result in criminal proceedings and to this date, there have been no cases of match fixing brought to criminal trial. As there hasn't been a case brought to court in the Netherlands, it is uncertain which, and how many, signals are required in order to result in court proceedings. Respondents wonder how many and what kind of signals stakeholders have received in other countries to start criminal investigations that eventually lead to criminal proceedings.

The aforementioned Researchers' advice is to install an operational and non-operational platform. The researchers indicated in their report that a combined approach may be important to raise a more coordinated approach, and generate a more coordinated policy. Furthermore, a multiple approach is good to promote the exchange of information, to exchange signals, and share knowledge. The government took this advice seriously and is eager to establish both platforms.

### Ad 1) Sharing of an operational information: National Platform

This platform is now to be effectuated. The Public Prosecution Service will be the coordinating partner, alongside the Public Prosecution Service, the Police, the tax services, the FIOD, and the Dutch Gaming Authority. At this moment, only the Royal Dutch Football Association will join this platform. In the near future, the National Committee and the Tennis Association will take part, as well as M and presumably the Lotto and Sportech. The purpose of this platform is to provide information about signals, such as alerts from the UEFA Early Warning System. There are still some privacy issues to solve until the sharing of information will be effective and in accordance with the law.

### Ad 2) Strategic platform

This is a second platform for the sharing of information about policy in the field of match fixing. This platform will also be used for the sharing of information about international developments concerning match fixing, such as policy initiatives and the Council of Europe. This platform is not meant to share information about concrete cases or signals. The Ministry of Health Welfare and Sport will chair this platform. Next to the Ministry of Health Welfare and Sport will chair this platform Ministry of Justice and Security will be present as well as The Dutch National Committee, Public Prosecution Service, the Royal Dutch Football Association, the Police, and presumably other parties.

## 3.7 SPAIN

### Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data

The Spanish gambling regulation does not contain any specific rules or codes that regulate the collection, processing, and sharing of knowledge and information regarding suspicious sports betting. At a legislative level there is not a specific provision in regulation to collect, store, or submit this kind of specific information.

However, betting operators and other stakeholders must answer the information requirements of the Spanish gambling regulator upon any issue related to gambling, and this includes suspicious sports betting. A failure to do so is a serious administrative offence set out in the Gambling Act, fined with EUR 100,000 to 1 million (article 40 of Spanish Gambling Act).

Furthermore, the implementation of the Regulation of the Gambling Act (Real Decreto 1614/2011, de 14 de noviembre, por el que se desarrolla la Ley 13/2011, de 27 de mayo, de regulación del juego, en lo relativo a licencias, autorizaciones y registros del juego) sets out in Article 33.1.h that operators must explicitly inform the Gambling Regulator of those participants who might be responsible for gaming collusion or fraud, and provide the identification data.

## **Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

According to the legal system, as of today, sports organizations and betting operators are obliged to inform the Spanish Gambling Regulator, the Public Prosecutor Office, and Courts of Justice, upon expressed requests.

Due to its monitoring powers, the Gambling Regulator may hold relevant ongoing information, and may request further information on particular events, in particular to gambling operators. The Gambling Regulator may either process information themselves (merging information from all operators), or request operators to process their own information. When processing does take place at the Gambling Regulator stage, information may be processed to protect, where possible, business secrets and data protection sensitive information. Currently, there is no intelligence ex-ante, structural work from the Spanish regulator on detecting suspicious sports betting activity.

Public Prosecutors and Courts of Justice may address either the Gambling Regulator, or operators directly and sports organisations, to request any information required over the course of an investigation. Dependent on the authority that receives the information (which may include intelligence reports), the information may be analysed. According to the Spanish Gambling Regulator, operators may pass on such information only when:

- There is a suspicion for collusion or fraud being carried out by a player
- Requested explicitly by the Spanish Gambling Regulator

Recipients of the information are not obliged to inform about the measures taken as a follow-up to the information received. However, there are some constraints to the free flow of information. Article 11 of the Spanish Data Protection Act is applicable. Essentially, in cases where data about specific individuals is concerned, data protection sensitive information can only be distributed only if allowed by an Act of Law. There is a four-step process for determining whether information can be shared:

- Public Prosecutor, Courts of Justice, or institutions whose purpose is to carry out investigations
- The purpose needs to be for a specific criminal investigation, not for general monitoring
- Must have standards that limit the use of third party access to data
- Must have standards in place that provide equal protection to that of the Spanish public authorities (this applies for international partners) as outlined in law

## **What happens after information is shared?**

There is no formal structure for feedback to the betting operators and, as a result, they have little knowledge of what happens once they have shared information with sports bodies and/or regulatory authorities.

The Spanish Gambling Regulator has received several requests for information from Public Prosecution relating to betting operations regarding particular events. Procedures of a criminal nature related to such information are ongoing but may still be in the preliminary phase (and hence information cannot be disclosed at this point). Some informal agreements exist. The Professional Football League has an agreement with a betting operator in order to exchange information relating to bets. These can be used for further investigations, and the regulator is not involved in these agreements.

### **Role of international partners - European institutions, international organisations, and other countries**

Several betting operators cooperate and share information with international networks such as the ELMS, ESSA, and EPAS. The Spanish Gambling Regulator has cooperation and exchange of info agreements with other Gambling Regulators but for a broader purpose and not specific to match fixing. However, the same data protection requirements are in place as would be the case within the country; i.e., the same four-step assessment would be required.

The Spanish Gambling Regulator is part of the Special Expert Group of betting regulators that has been formed to support the EPAS initiative on creating a convention of Sports Integrity in Gambling. Other instruments such as the MoU with ICO are not part of this convention as of this moment. According to the Spanish case, it would be positive that EU institutions gathered information of the current situation at an EU level in order to apply common sanctions. Those Member States that have previous experience in using prevention measures against match fixing can provide value information in order for the Commission to have a real perspective of the situation and make adequate suggestions.

## **3.8 UNITED KINGDOM**

### **Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data**

The UK has a long history of gambling and most of the large private betting operators are present on the UK market. To be able to operate on the UK Market, betting operators must obtain a licence. The UK licence allows betting operators to offer sports betting to customers both in and outside the UK. Thus, customers from other countries, for example Sweden, can be served through the UK licence. At the same time, national regulation in countries like Denmark, Spain, and France require the betting operators to have a national licence. If they don't have such a licence the betting operators must block customers from these countries. The UK does not have a national lottery offering sports betting.

Due to the history of bookmaking and the size of the industry, the UK is one of the countries which first started developing a systematic approach to betting integrity, and today has one of the most elaborate frameworks for dealing with suspicious sports betting activity. Overall, betting regulators, betting operators, and sport governing bodies are all pleased with the UK framework and it could well inspire other countries with less elaborate frameworks, but with an ambition to improve.

On the regulatory side, The UK Gambling Commission and the Sports Betting Intelligence Unit (SBIU) are central players in the UK. The SBIU is a unit within the Gambling Commission which deals with reports of betting-related corruption. It was set up as part of the recommendations in the 2010 Report of the Sports Betting Integrity Panel (commonly known as The Parry Report). The SBIU collects information and develops intelligence about potentially corrupt betting activity involving sport. Members of the SBIU receive information from a number of sources which includes (but is not limited to):

- Alerts from betting operators about suspicious activity on betting markets
- Concerns from sports governing bodies
- Tip offs through the confidential intelligence line.

Betting operators are not obliged to collect, process, and store information on suspicious sports betting activity as such, but “knowing the customer” is central to their business and is therefore an integral part of the core business for betting operators.

Betting operators are required to report suspicious activity to the Gambling Commission under their licence condition (Section 15.1) of the Licensing Condition and Codes of Practice.<sup>30</sup>

Betting operators are also required to provide information to sport governing bodies if betting operators suspect that information in their possession may:

- Lead the Gambling Commission to consider making an order to void a bet
- Relate to a breach of a rule applied by that sport governing body

Schedule 6 of the Gambling Act names a number of SGBs with whom the Gambling Commission may provide information received by it in the course of its duties.<sup>31</sup> However, the Gambling Commission may choose to provide information to parties not listed where this is considered appropriate in furtherance of the licensing objectives and is not prohibited by any statutory provision or legal principle.

Betting operators can currently operate on the UK market through a foreign licence. Betfair is an example of such an operator. Customers betting on Betfair’s exchange from the UK are licensed by the Gibraltar Gambling Commission in Gibraltar. Betfair has a voluntary agreement to share information with the UK Gambling Commission but no obligation (they are, however, obliged to share information with the Gibraltar Gambling Commission). The UK is currently revising their regulation to secure that it covers more betting operators operating in the UK. Betting operators such as Betfair will most likely be covered by licensing condition 15.1 in the future.

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<sup>30</sup>[http://www.gamblingcommission.gov.uk/gambling\\_sectors/betting/operating\\_licence\\_holders\\_-\\_wh/information\\_that\\_must\\_be\\_provi/reporting\\_suspicious\\_bets\\_to\\_s.aspx](http://www.gamblingcommission.gov.uk/gambling_sectors/betting/operating_licence_holders_-_wh/information_that_must_be_provi/reporting_suspicious_bets_to_s.aspx)

<sup>31</sup> [http://www.gamblingcommission.gov.uk/gf-useful\\_links/sport\\_governing\\_bodies.aspx](http://www.gamblingcommission.gov.uk/gf-useful_links/sport_governing_bodies.aspx)

Sports Associations are not obliged to inform the Gambling Commission when they detect something suspicious but according to a major sports association they will often do so anyway. In general, they do not encounter substantial barriers for the sharing of information with the Gambling Commission. One major sport association has included in their terms for being a member of the association that the members must grant the sport association the right to share information. This includes betting records, phone records, financial records, etc. from players, managers, officials, etc.

### **Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

SBIU sits between betting operators, sports and league, policy, media, members of the public, etc. It receives input from all sources and decides, with sport governing bodies and Police, what should happen and who should take action, if any. Thus, the SBIU acts as a national coordinating platform.

The Sports Betting Intelligence Unit under the Gambling Commission has a defined Decision Making Framework that sets out how the Gambling Commission's decision making process, in the context of betting integrity, should act from when it first receives a piece of information through to when a case is closed.<sup>32</sup>

Before they place their bets, betting operators will, in their Terms and Conditions with customers, agree to have clauses that warn bettors that their personal information will be shared should they be subject to an investigation relating to betting integrity. The information shared by the betting operators includes personal data such as names, addresses, credit card numbers, etc. of the people involved in suspicious betting behaviour.

The Gambling Commission will generally look to share information with partners where it is considered appropriate to do so and, having made the decision, will do so as soon as possible. Generally, and particularly for non-law enforcement partners, this will be in a summarised format. The Gambling Commission is usually more able to share data with law enforcement agencies for the purpose of criminal investigations.

Each decision to share personal data is considered on a case by case basis. Overall, the costs and benefits must be at least proportional for information to be shared. When deciding whether to share personal data, the following specific points are considered by the GC:

1. Is the sharing justified?
  - What is the sharing meant to achieve?
  - What are the potential benefits and risks to individuals and/or society of sharing or not sharing?
  - Is the sharing proportionate to the issue we are addressing?
  - Could the objective actually be achieved without sharing personal data?
2. Do we have the power to share?

<sup>32</sup> <http://www.gamblingcommission.gov.uk/pdf/Betting%20integrity%20decision%20making%20framework.pdf>

- The Gambling Commission firstly considers the nature of the information they have been asked to share (for example, was it given in confidence)
- Any legal obligation to share information (for example, a statutory requirement or a court order) is considered

When it is necessary to provide information to third parties, it will be subject to conditions, including the requirement to apply good information handling procedures, only retain the information for as long as necessary, and to not further disclose it without consent. The Gambling Commission would not be able to pass data to those that do not have appropriate information handling procedures in place.

About two thirds of the reports received by the Gambling Commission are from betting operators, the remainder coming from sport governing bodies or other sources such as the media and the public.

There is currently no definition of when sports betting activity can be considered “suspicious”, and thus when betting regulators have to report to the Gambling Commission.

As in other countries, it is the betting operators who decide when they regard betting patterns as suspicious. They do this by monitoring betting patterns and by using their experience from the industry. When they discover unusual betting patterns they analyse if they can identify any reasons for the unusual pattern. If this is not the case the betting activity could, depending on the circumstances, be labelled as suspicious. The criteria are explained in greater detail in the overview report.

The betting operators all use roughly the same approach for identifying suspicious betting patterns and the approach is largely consistent across sports. The Gambling Commission is currently developing criteria for when a bet is suspicious and when betting operators have to report to the Gambling Commission.

As previously mentioned, all relevant parties, in general, support the UK framework. One of the few complaints raised during the interviews is that other public authorities, such as the Police, do not have the same opportunities to share information with sport governing bodies and betting operators as the UK Gambling Commission. Thus, the betting operators have to share information, the Gambling Commission and sports governing bodies can share information but sports governing bodies and betting regulators cannot receive information from the Police and prosecutors to support their own internal investigations.

### **What happens after information is shared?**

Under the Gambling Act 2005 (the Act) the Gambling Commission has powers to prosecute offences of cheating and to void bets. The most appropriate next step depends on the individual case.

If the SBIU are satisfied that there is potential criminal activity, the issue will be referred to Issues Management Group (IMG) for a decision on to how to progress the issue. Broadly speaking this establishes whether the Commission could progress a case. The potential outcomes from IMG are:

- Investigation (Commission or Police led)



- Referred to sports governing bodies or betting operators for disruptive (including disciplinary) action

Pursuing a criminal sanction will not always be possible, and often will not be the most effective or efficient approach to take. A criminal case will very often rely on establishing relationships between those involved and following flows of money. As a result it can be both very time consuming and costly. A sanction by the sports governing body may be a more appropriate approach to achieve the aim, be quicker than criminal investigation and therefore may be the more frequently taken approach. Where appropriate, the Commission will offer support during sports associations to help ensure that the most effective disruptive action can be taken.

### **Role of international partners - European institutions, international organisations, and other countries**

In general, it will be the Gambling Commission which will deal with public partners or sports governing bodies outside the UK, if relevant. Betting operators will report suspicious activity to the Gambling Commission in the same way as if the case was related only to the UK. The Gambling Commission will then contact the relevant parties, sports governing bodies or public authorities, in the country/countries and or international bodies concerned.

The main barrier for the Gambling Commission is practical more than legal. Most other countries do not have a comprehensive and well-coordinated framework like the UK and have no single point of contact like the Gambling Commission/SBIU in the UK. It can therefore be difficult for the Gambling Commission to find the right contact persons in the other countries. The National Platforms, suggested by the Council of Europe in their convention against the manipulation of sports competitions, would help secure a smoother coordination among regulators in different countries.

As previously mentioned, it is a challenge for the Police and investigators to share sensitive personal information with sports governing bodies and betting operators. This is obviously also the case across borders.

Several of the large betting operators share information through the ESSA. If an alert is confirmed and the transaction becomes suspicious, ESSA will share it with the relevant regulatory body or sports bodies it has signed an MoU with (currently just over 20). Detailed customer information (names, addresses, credit card numbers, IP address, etc.) can be shared with public authorities and law enforcement agencies in case of an investigation into suspicious betting activity or match fixing.

### **Potential role for international partners, especially the EU**

In the replies to the questionnaires and as part of the interviews a number of potential tasks for the EU in relation to betting integrity have been mentioned.

Overall, the UK model has been highlighted as a highly effective model which other countries could learn from. The Gambling Commission brings together the relevant parties in a tripartite group, orchestrates and coordinates the sharing of information, and has secured the trust of both sports governing bodies and betting operators through their high quality work and experience in the matter. The fact that they are neutral and not



a political body, “do the work for the right reasons”, bring the relevant actors together, and coordinate the sharing of information, are highlighted as key reasons for their success.

Following the above praise of the Gambling Commission, it has been suggested that all countries should have a Gambling Commission/SBIU. The national platforms proposed by the Council of Europe could play this role in each country. However, to do so it has been highlighted that they must have the appropriate level of resources and expert staff to be effective. At a time when many countries are under financial constraints it could be a challenge for some countries to find the resources necessary for the national platforms to be effective. The EU could encourage Member States to prioritise the national platforms and devote an appropriate level of resources to them.

It has also been mentioned that a national platform is not enough. Countries and sports governing bodies must also introduce frameworks to handle threats to betting integrity, along with clearly defined parameters of exchange, and also what would be exchanged in practice. As is also illustrated by many of the country profiles, several countries do not have frameworks in place for sharing of information or decision making frameworks when suspicious betting activity is detected. Also, sports governing bodies and regulators need to have mechanisms in place to properly investigate and prosecute breaches of their rules. The establishment of National Platforms is a step in the right direction, but additional work on developing the right regulatory frameworks must complement the national platforms in order for them to operate effectively.

It has also been highlighted that the Joint Action Group, established for the London Olympics, worked well and could be used as a good practice example for future coordinating and safeguarding of betting integrity at an international level and for major sports events.

A sports association has called on the EU to secure a European framework that makes it possible for public authorities, such as the Police and prosecutors, to share information with sports governing bodies and betting operators. Currently sensitive personal information can be shared if it is deemed to be in the substantial public interest. Sport and betting integrity is currently not defined as an area where personal information can be shared more freely, and some parties are risk averse when it comes to information sharing. The EU could thus help clarify when information can be shared and, if needed, develop specific provisions within data protection legislation to allow personal information to be shared in relation to betting integrity issues.

## 4. Appendix B. Country profiles

This appendix consists of country profiles for the following countries:

- Austria
- Belgium
- Bulgaria
- Czech Republic
- Estonia
- Germany
- Greece
- Hungary
- Ireland
- Latvia
- Lithuania
- Luxembourg
- Malta
- Poland
- Portugal
- Slovakia
- Slovenia
- Sweden

As Oxford Research has not received any answers to the respective questionnaires, it has unfortunately not been possible to formulate country profiles for neither Cyprus nor Romania.

### 4.1 AUSTRIA

#### **Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data**

Currently, there are no regulations obliging regulators and other public authorities, betting operators, or sport bodies to collect and store relevant data related to sports betting activity. However, betting operators collect information on betting patterns as part of their standard operation, as it is part of their core business to monitor betting patterns and odds movements in order to be able to provide and adapt odds.

For example, a large betting operator states that they “screen and monitor worldwide betting behaviour and betting patterns, because they have an influence on the odds of a specific game in Austria in general, and that

every bookmaker is monitoring thousands of matches every year”. Betting operators also have certain mechanisms in place that control their exposure and betting offers on events, inducing them to lower odds or suspend specific betting offers in case of abnormal betting on an event. The betting operator maintains information on all sports betting activities, including on events that might have had any abnormal betting patterns associated with it.

There are no regulations specifying what should be considered as “suspicious betting activity”. However, one of the major betting operators defines suspicious sports betting activity as “unexplainable odds changes combined with suspicious behaviour of active players, referees, etc.” Another operator states that “the procedures they utilize are based on their experience and knowledge and not on any legal specification”.

### **Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

At the moment there are no regulations in Austria requiring betting operators, public authorities, or sports associations to share information on suspicious sports betting activity. In addition, due to data protection provisions, betting operators cannot voluntarily provide personal information to any external entity. If they wish to release information about suspicious sports betting activities in a specific instance involving a customer (a punter), they have to do so through a court order.

Although betting operators are not allowed to share information regarding a customer’s suspicious sports betting activity, they are allowed to share information on suspicious odds changes. This information is already widely available in the sports betting community. Therefore, if betting operators detect suspicious betting behaviour on Austrian football matches, the only course of action available is to inform the Austrian bookmaker Association, which in turn relays information to all involved sports bodies through the task force against match fixing in Austria.

The task force against match fixing in Austria consists of the Austrian FA, the Austrian National League, and the Austrian Bookmaker Association. The task force monitors irregular betting patterns and betting behaviours with Austrian bookmakers on Austrian football matches. Although the regulations are the same for all forms of betting activities and sports, the task force only covers football. If there are any irregular betting patterns on Austrian Football matches, the betting operator informs the Austrian Bookmaker Association, and the task force informs the Austrian FA. The FA will subsequently inform the Austrian National League, and the League will then inform the clubs involved. The information should therefore be forwarded as soon as irregularities have been detected. However, as mentioned above, no personal data can be exchanged. Consequently, the only information shared and forwarded to the Austrian FA is that there have been irregular betting activities on an Austrian football match.

As of now, the task force has not raised any alerts, because there have not been any known/suspected cases of match fixing of Austrian football matches involving Austrian betting operators.

## Role of international partners - European institutions, international organisations, and other countries

The Austrian National Lottery is a member of the European Lotteries Monitoring System (ELMS). The ELMS screens the international betting markets for information on suspicious betting behaviours, such as:

- Odds movements across the entire betting market, including lotteries, private operators, betting exchanges, Asian operators, etc.
- Inside information from professional punters' forums and team related news from the clubs
- Inputs from each ELMS member, e.g. important news and updates to spread quickly throughout the whole ELMS network
- Sports betting and match fixing related news

The ELMS system links 20 European lotteries, in order to monitor suspicious betting activity and provides a continuous message feed to all participants. It alerts members on unusual fluctuations in the odds related to specific matches with technical tools provided by companies like SportRadar or Betgenius. The ELMS also monitors and distributes information on unusual betting volumes in the participating countries. However, the information shared does not include any data of punters, partly because there is no personal data available, and partly because of the data protection law. Each stakeholder participates voluntarily.

A major private betting operator, which has provided information for this study, has an agreement with FIFA regarding its Early Warning System (EWS). This gives FIFA the opportunity to monitor any unusual activities earlier than usual. They are also expected to sign an agreement with ESSA (European Sports Security Association), which we will inform them of any suspicion of match fixing. The operators' sponsorship agreement with the Austrian Bundesliga also contains a clause on bilateral information sharing in cases of suspected match fixing.

Unfortunately, there is no process in place to streamline the sharing of information and cooperation between authorities, betting operators, and sports bodies. At the moment, the sharing of information is largely based on personal relationships. As there is no national agency, or other entity with clear procedures and criteria, that is backed by the relevant legislation responsible for handling the issue of suspicious betting activity and sharing of information, the current situation in Austria is inefficient. The Austrian National Lottery has no arrangements in place that allow for the exchange of information/knowledge about detected suspicious betting behaviour between the bodies concerned at an international level. The National Lottery would like to see the establishment of an EU legal framework of sports fraud.

## 4.2 BELGIUM

### **Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data**

The overall regulatory and legal framework related to sports betting was established in the Act of 7 May 1999 on games of chance, betting, gaming establishments, and the protection of players.

Article 43/5, 2 in combination with article 43/6 of the Gaming Act provides that the licence holder (organiser or contractor of bets) and his directors must, in all cases, behave in a way that fulfils the requirements of the position. Moreover, in the secondary regulation (implementing decrees) on betting, it is provided that the licence holder must, at all times, ensure the fairness of the organised betting, as well as the regular functioning thereof.

This general legal and regulatory framework implies that an operator or holder of a betting shop must inform the Belgian Gaming Commission (the national regulator) if he acquires knowledge of manipulations of sporting competitions on which he makes or offers bets.

Besides the enforcement of the Gaming Act and its implementing decrees by the national regulator, there are the general criminal-law offences within the context of match fixing that are enforced by the Federal Judicial Police and the Federal Public Prosecutor's Office.

In the first place, the national regulator supervises in compliance with the Gaming Act and its implementing decrees. With regards to the criminal-law provisions from the Act and its decrees, Police officers with a general authority can also determine any violations. The control unit of the Gaming Commission determines violations. These violations then lead to an administrative sanction imposed by the Gaming Commission or to a criminal-law sanction imposed by the Belgian courts. The national regulator states that enforcement could be improved if more operating funds were allocated to the Gaming Commission, as this would lead to greater regulatory efficiency.

With regards to information relating to match fixing on football matches, a football fraud unit is set up within the Federal Judicial Police which also functions as a reporting point on this level, which sports associations and other involved parties can use.

In addition there is also an e-mail address intended for reports concerning match fixing at the Gaming Commission.

### **Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

The Gaming Act and its implementing decrees, implies that an operator or holder of a betting shop must inform the as regulator if he acquires knowledge of manipulations of sporting competitions on which he makes or offers bets. However, specific Belgian provisions that structure such information exchange do not presently exist.

The national regulator is a public authority and its employees are officials who are bound by the duty of professional confidentiality and the deontology. As a result, the national and international regulations in the area of privacy protection and personal data must always be respected.

The control unit of the national regulator itself has not yet received any reports until now.

### **What happens after information is shared?**

The football fraud unit within the Federal Judicial Police draws up possible official reports and turns these over to the competent public prosecutor. Given the secrecy of the investigation, the Gaming Commission as regulator is not aware of any consequences that are given to them.

The control unit of the Gaming Commission itself has not yet received any reports until now.

### **Role of international partners - European institutions, international organisations, and other countries**

In January 2014, the national regulator decided to conclude a general “Memorandum of Understanding” with both IOC and FIFA. Stipulations are included herein that the national and international regulations in the area of privacy protection and personal data must be respected. Given that the MoUs shall be concluded by the national regulator only in January 2014, the execution thereof has yet to begin and at present they cannot evaluate any eventual problems.

Besides the MoU, the national regulator is not aware of any self-regulating international initiatives related to sharing of information on suspicious betting activities.

## **4.3 BULGARIA**

### **Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data**

There are regulatory provisions for the collection and processing of knowledge and information regarding suspicious sports betting activity in Bulgaria. Pursuant to Ordinance 1 from 27.02.2013 for the terms and procedures for the identification and registration of participant, data for the remote games of chance, organized of the R Bulgaria, and submissions of information to the gaming server and NRA, must be collected and stored.

Furthermore, pursuant to Art. 19 of the Gambling Act, there are several prohibitions on behalf of the prevention of conflict of interests, which exclude certain people from placing bets. The Prosecutor's office, the appointing authority of the State Commission on Gambling, is responsible for the enforcement of the regulations.

The State Commission of Gambling has a website where there is a link to the website of the Ministry of Finance, which list the possibilities for giving in signals for corruption and suggestions such as through a call centre of the Ministry of Finance or by e-mail.

### **Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

There are no obligations for sporting organizations and betting operators to exchange information on suspicious sports betting activities to either the national authorities or other betting operators.

### **What happens after information is shared?**

The national regulator answers the question about whether the shared information has led to any type of follow up actions negatively, while also stating that the regulations are not enforced.

### **Role of international partners - European institutions, international organisations, and other countries**

There are no arrangements (bilateral, multilateral agreements) in place that allow for the exchange of information/knowledge between the bodies concerned (national authorities (regulators, Police, public prosecutors, judicial bodies, etc.), sports organisations, and betting operators) at either a cross-border or at an international level.

## **4.4 CZECH REPUBLIC**

### **Regulatory and legal framework related to suspicious sports betting activity, including the collection, storing, and sharing of relevant data**

The Czech Act on Lotteries and Other Like Games, is applied to any sports competition, but is limited to the offer of the sports betting operators. There are no legal frameworks in place under this act or any other with regard to the collection and storing of information.

At present, only industry-driven monitoring systems are in place on a contractual basis. For example, the Czech Football Association has an agreement with SportRadar and UEFA, through which information on suspicious activities are shared. The terms of the information sharing and storing are set through the arrangement with SportRadar and UEFA.

SportRadar and the Czech Football Association monitor suspicious matches in Czech football leagues (all leagues including lower and youth leagues). Communication around the monitoring system is included in the contract with SportsRadar. Generally, it is two-way communication.

### **Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

Currently, there are no existing regulatory obligations for betting operators to share or submit information concerning suspicious sports betting activity to relevant parties. Nevertheless, there is a voluntary initiative that supports information sharing. The Association of Czech Betting Operators (APKURS) brings together 3 members. At this moment, the current members are Tipsport, Chance, and Fortuna. However, this is a voluntary and pragmatic network that discusses a range of issues, including the sharing of information. The Association's main objective is to contribute to fair procedures, transparency, and compliance. It therefore actively cooperates with the Ministry of Finance, the legislature, representatives of cities and municipalities, as well as with other associations and interest groups.

Self-regulatory agreements with sports organisations/associations and/or public authorities that describe and allow the exchange of information on suspicious betting patterns do not exist. However, the Czech Sports Union is currently preparing the platform launched by IRIS initiative. So far, there is no definite information on either this initiative or on the state of the sharing of information.

### **What happens after information is shared?**

Under the current system, the recipients of the information from the betting operators are not obliged to inform anyone about the measures taken as follow-up to the information received.

### **Role of international partners - European institutions, international organisations, and other countries**

There are limited arrangements in place that allow for the exchange of information/knowledge about detected suspicious betting behaviour between the bodies concerned at the international level. At present, there is a set of agreements within the European Lotteries. Thus far, no problems in the sharing of information cross-border and internationally concerning suspicious sports betting activity have been identified, though details are not available.

According to the stakeholders interview, EU institutions could improve the exchange of information bilaterally and internationally by follow up or supporting an extension of IRIS initiative.

## **4.5 ESTONIA**

### **Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data**

There are no regulatory obligations for sports organisations, betting operators, gambling regulators, or other relevant stakeholder to collect, store, or share information concerning suspicious sports betting activity. According to the national regulator, the betting operators are, however, generally interested themselves to report possible cases of fraud, while also being best equipped to detect it.



Gambling operators must go through a fit-and-proper test prior to being licensed to operate in Estonia.

The Gambling Act<sup>33</sup> establishes several prohibitions on who is allowed to place bets on sports events in order to prevent conflicts of interests. Likewise, gambling operators have Terms and Conditions which enable them to call off bets made by clients who may influence the outcome.

Detection of such cases is at the hands of gambling operators, who have a duty to identify their customers. In case of a detected bet by customer who shouldn't have made it, because s/he could influence the result of the game, operators can then call off the bet and may notify supervisory authority, who can fine the player in question. Or, if there is a doubt of match fixing having taken place, they may notify the Police and prosecutor's office. This has happened on a number of occasions, court proceedings are still ongoing.

### **Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

As stated above, there are no regulatory obligations for sports organisations, betting operators, gambling regulators, or other relevant stakeholder to submit information concerning suspicious sports betting activities.

### **What happens after information is shared?**

According to the national regulator, alleged cases of match fixing have been criminally prosecuted under the offence of fraud. For example, in 2013, 11 persons were charged with fraud and a number of others are still suspects in two separate cases. The persons in question have also been banned from participating in sport contests by their respective sports organizations where applicable.

Currently, no distinguishable "best practices" have developed with regards to what information should be collected regarding "suspicious bets", how it should be collected and who it could be shared with. Cases detected so far are dealt with on ad hoc basis.

### **Role of international partners - European institutions, international organisations, and other countries**

According to the national regulator, the betting operators make use of BetRadar. Otherwise there are no arrangements (bilateral, multilateral agreements) in place that allow for the exchange of information/knowledge between the bodies concerned at either cross-border or at international level.

The only exception is the possible cooperation involving started criminal proceedings.

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<sup>33</sup> <https://www.riigiteataja.ee/en/eli/530102013030/consolide>

## 4.6 GERMANY

### Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data

There is no overall regulatory and legal framework related to suspicious sports betting activity at a federal state level in Germany as of now, except related to anti-money laundering. According to the respondents of our questionnaire, approval of the new legislation on sports betting is currently pending. As a result, the national authorities are only involved in single engagements rather than in a general case.

However, the northern State of Schleswig-Holstein (SH), has implemented its own legislation on online gambling, that also covers sports betting, and provisions for the collection and sharing of information are included there. In SH, the regulator introduced a dedicated clause in the SH licensing requirements of the sports betting licences for all sports offered on the market. The clause states that the operators must implement at least two independent internal monitoring systems to prevent betting fraud.

The decision if a sports betting activity is considered suspicious comes from the betting operators' daily practices. If they detect some abnormal betting activity they look closely on the specific match/event. Then they can decide if it's really abnormal or if it has comprehensible reasons. A system with alarms and suspensions helps to detect these kinds of bets. Different types of sport have different limits on when bets are seen as suspicious.

### Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity

The only obligations to share any information outside SH is pursuant to the German money laundering law, where betting operators in case of possible money laundering have to inform the Government of Upper Palatine (Regierung der Oberpfalz), which is their Regulatory authority.

In Schleswig-Holstein, the betting operators are obliged to electronically notify other licensees authorised by the licensing authority for information of any indications or warnings of possible manipulation or suspicious changes in betting activities. Operationally this is done by the betting operator notifying the licensing authority, who then notifies the other betting operators.

Once every year, by the 1<sup>st</sup> of April, the betting operators must report to the licensing authority any changes it has determined in betting activities or other events during the preceding calendar year that the operator or an affiliated company were notified of by a third party.

In the case of a criminal offence against *Staatliche Lotterieverwaltung*, Lotto Bavaria, a criminal complaint is given up to Police or the responsible prosecuting authority. Lotto Bavaria is under German criminal prosecution Code (StPO) and is thus obliged to share all relevant information with law enforcement agencies.

One of the major private betting operator shares detailed customer information (names, addresses, credit card numbers, IP address, etc) with public authorities and law enforcement agencies in case of an investigation into suspicious betting activity or match fixing.

The major private betting operators are in accordance with data protection laws. That means that only basic information on a suspicious event is shared unless there is a proper investigation going on.

### **What happens after information is shared?**

The recipients of the information from the betting operators are not obliged to inform about the measures taken as a follow-up to the information received. Nonetheless two respondents state that they have received feedback on follow-up on information they had shared. One of the major private betting operators, on the other hand, states that the operators have little knowledge of what happens once they have shared information with sports bodies and/or regulatory authorities. Sports bodies are particularly reluctant to provide feedback, and thus the betting operator has never received feedback after providing information.

### **Role of international partners - European institutions, international organisations, and other countries**

One betting operator states that the regulatory authority is part of a working group of the commission. They are also part of an informal alliance of international experts.

The private betting operators as well as the national lottery are members of either European Lotteries and/or ESSA, which they use for sharing of information on suspicious sports betting patterns.

One of the major private betting operators also has MoUs with several authorities, such as the German Football Association (DFB).

The respondents point to data protection as the main issue when it comes to sharing of cross-border information, since it is difficult to establish the correct measures to utilize the information, due to the different data protection requirements pertaining to each country. This is especially the case when sharing outside information outside of the EU.

One operator states that the exchange of information could be improved by defining clearer and common standards for as many jurisdictions as possible, which is exactly what the draft convention of the Council of Europe is trying to do by seeking ratification from 50+ countries on a set of standards that should be applied to make the fight against match fixing more effective. Key in the convention is the role of national regulators that act as the centre of the communication flow.

## **4.7 GREECE**

### **Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data**

The national lottery collects all betting data in order to dispatch them if they are summoned accordingly by any authority. However, there are no regulatory obligations for betting operators to share or submit information concerning suspicious sports betting activity to relevant parties.

A new IT Control Surveillance System is pending implementation. According to article 30, paragraphs 1d and 1e, the Regulation on Conduct and Control of Games of Chance (Article 29 of Law 4002/2011) shall assess the technical requirements for the operation of the IT Control and Surveillance System of the Hellenic Gaming Commission, in order to achieve the collect, storing, processing, and display of the necessary data for all types of games of chance and the safeguard of the smooth and reliable conduct of all games of chance.

### **Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

As stated above, there are no regulatory obligations for betting operators to share or submit information concerning suspicious sports betting activity to relevant parties in Greece.

However, the national lottery is a member of the European Lotteries and is thus obliged to share information on suspicious sports betting activities within the ELMS.

### **What happens after information is shared?**

A formal investigation on suspicious sports betting activity has been lodged in 2013, but not because of information disclosed by the national lottery. The lottery, though, was summoned by the prosecutor as a witness to a criminal trial concerning match fixing.

### **Role of international partners - European institutions, international organisations, and other countries**

The national lottery is a member of the European Lotteries and is thus obliged to share information on suspicious sports betting activities within the ELMS.

There is no additional information available about Greece's international cooperation.

## **4.8 HUNGARY**

### **Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data**

There are several laws and decrees constraining the betting on sports in Hungary. However, neither sports organisations nor betting operators are formally obliged to share information on suspicious sports betting activity, unless it constitutes a crime to withhold the information.

The Hungarian Law on Sport (Law I of 2004) says it is forbidden for athletes, sport officials and experts to commit match fixing. It also stipulates that the Hungarian Olympic Committee shall fight against match fixing.

The Government Decree 39/2004 (III. 12.) on disciplinary liability in sports says in the case of illegal manipulation of the competition, match, competition system result, the initiation of sports disciplinary proceedings doesn't expire.

Sports betting are exclusively organized by the State Gambling Operator (*Szerencsejáték Zrt* for sports betting and *Magyar Lóversenyfogatást-szervező Kft* for horse race betting). The sports Gambling Operator applies several processes on preventing and combating against betting-related match fixing, the company operates risk assessment and management system against match fixing, therefore in suspicious cases, the prompt reaction of the company which is in close connection with betting events is ensured. The sports Gambling Operator applies, as a member of the European Lotteries and Toto Association, also has a standard ethical code of conduct on sports betting, which is applied. As a member of the European Lotteries and Toto Association, the sports Gambling Operator applies the ELMS, and according to the measures, monitors the turn out of the betting events and activities joint with other members, suspicious behaviour, and indicates the arisen irregularities and the betting events could be withdrawn as well. The Bet Radar system follows the betting operators' offer and compares the changes of the odds, and warns any suspicious variations in the numbers, which situations will be supervised.

There are no rules or practices that restrict/exclude certain sports events from the betting offer. However, the sports Gambling Operator does not offer betting from private operators, and for that activities during the sport events, which does not have any influence of the result of the sport competitions (e.g. corner kick). The company applies a few live betting offers. The number of illegal activities is higher concerning live betting, and it would increase the risks of such manipulation.

Furthermore, there are several constraints on who is allowed to bet on sport events in order to avoid conflict of interests. According to Art. 8(1) of Act XXXIV of 1991 on gambling operation, the director of the state tax authority and his deputies, and the employees of the state tax authority involved in the supervision of gambling operations may not participate in any contest of chance, with the exception of drawings.

### **Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

No provision in the gambling rules deals with the collection and sharing of information in the context of suspicious sports betting activity. The only obligation for sharing of information is that it is obligatory to lodge a complaint if failure to do so constitutes a criminal offence.

Members of the authority and official persons (including the gambling authority), and other public bodies, if prescribed by a separate legal regulation, are obliged to lodge a complaint also identifying the offender, if his person is known, concerning a criminal offence coming to their cognisance within their scope of competence.

The national lottery does however state that they share information on suspicious sports betting activity by making a complaint to the Police. The lottery is also working on an agreement with the Football Association. Until the agreement is done, they are cooperating on an informal level. The Lottery states, that in case there were suspicious sports betting activity, they would call the integrity officer and raise his attention to the match they received abnormal bets on. The Lottery states that they haven't had to call him yet.

The protection of personal data in criminal investigations is respected in several ways:

- According to Subsections (1), Section 60 of the Criminal Procedure in the course of the acts of the proceedings the human dignity, the personality rights and right of reverence of those involved shall be respected, and unnecessary disclosure of data on privacy shall be prohibited.
- According to Subsections (1) to (4), Section 63 of the Criminal Procedure personal data of individuals participating in the proceedings may only be inspected and managed by the court, the prosecutor, the investigating authority, the expert and the authority consulted by the court or the prosecutor, in order to perform their respective duties set forth herein. The scope of personal data of the defendant for criminal records and the rules for managing personal data are stipulated by a separate law. The personal data of individuals participating in the criminal proceedings shall only be recorded in the minutes to the required extent. Unless otherwise provided herein, personal data recorded in the course of criminal proceedings may not be deleted. The personal data recorded in the course of criminal proceedings may be used for statistical purposes, but in a manner inappropriate to identify the person.

### What happens after information is shared?

In case the law enforcement authorities receive information about suspicious sports betting activity, they are required to inform about the measures taken as a follow-up under the Act on Criminal Procedure.

The National Lottery had a case in 2009 when they faced suspicious betting. As a consequence, the lottery made a complaint to the Police but the investigation has been closed and the case wasn't brought to the court.

### Role of international partners - European institutions, international organisations, and other countries

The National Lottery is a member of the ELMS. In case of suspicious matches they send reports to FIFA, UEFA, or Tennis Integrity Unit. The information shared is never personal data, but only figures about the turnover and number of bets.

The protection of trade secrets is noted as a challenge by the lottery, since some members of the cooperation are competitors on local or global markets.

On the other hand, the national regulator does not have any arrangements in place that allow for the exchange of information or knowledge at cross-border or at the international level except in the case of criminal offences, where the law enforcement authorities and the judicial authorities cooperate under the international agreements or treaties on mutual legal assistance in criminal matters.

## 4.9 IRELAND

### **Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data**

The overall regulatory and legal framework related to suspicious sports betting activity in Ireland consists almost exclusively of MoUs between the national governing bodies of sport, sports organisations, and betting operators. For instance, the Football Association of Ireland (FAI) has a MoU with certain betting operators. Under the MoU, sports organisations and betting operators are only obliged to inform the national governing body. Information identifying the person and the nature of the bets are provided.

With regards to football, certain people/categories of people are prohibited from placing bets on sports according to a self-regulatory framework by the FAI as a national governing body; these are required by both UEFA and FIFA. However, the national governing body has no power to restrict or exclude certain types of bets.

National authorities (gambling regulators, police, public prosecutors, judicial bodies, etc.) are otherwise not involved with regard to the collection, processing and storing of data and intelligence regarding suspicious sports betting activity.

The preventive rules and practices are being enforced by the National Governing Body with the enforcement implemented through disciplinary processes.

### **Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

There are no regulatory provisions for the collection, processing, and sharing of knowledge and information regarding suspicious sports betting activity in Ireland. Sports organisations, betting operators, and gambling regulators are equally not legally required to pass on the information on suspicious sport betting behaviour to national authorities, but they are obliged under their MoU. Instead there are informal channels of communication between the FAI and other FA's as well as with the UK Gambling Commission.

The shared information include personal data (names, addresses, credit card numbers, etc.) of the people involved, such as sports people, betting customers, in suspicious betting behaviour, and the protection of personal data issues is dealt with in compliance with relevant legislation. The issue of personal data protection is handled when new customers open accounts, as they have to accept Terms and Conditions which include provision under the Privacy Policy of the private betting operator which allow their personal details to be shared with regulators and SGB's in certain circumstances.

One major private betting operator has a dedicated Integrity Team which has a wealth of experience in identifying and investigating suspicious betting activity. The team is able to use a number of internal processes and tools to determine whether betting is simply unusual or suspicious. The processes in place have been developed over a number of years and are not generally based on legislation but on good practice.

Suspicious activity is viewed on a case by case and it is often important to take in to account local factors based on the sport or country involved, but in general terms, the same processes and procedures can be applied to all sports and countries. There is no set criterion that sets out whether a bet is suspicious or not and to a large extent a common sense approach is needed. As the major private betting operator, they would consider the below factors at the market level:

- Is the market trading more volume than would be expected?
- Is there a large price movement and if so does there look to be a rational reason for this?
- Are price movements reflecting the action on the pitch in an in-play market or do they seem irrational?
- Is one account or a group of connected accounts driving the extra volume or the strange price movements?

At an account level, they would consider:

- Has an account, or a group of linked accounts, risked or won far more than is the normal behaviour for the account(s)
- Has the account been specifically opened to bet on a suspicious market
- Has one account or a group of accounts won a large percentage of all winnings in the market
- Does an account have a bias towards betting for/against one of the teams playing in the match
- Has the account previously placed bets of a suspicious nature?

Each event is looked at on a case by case basis but the private betting operator will alert the relevant regulator and sport's governing body (if a MoU is in place) if suspicious betting activity is identified and this alert will be sent will as early as possible, i.e. before the event takes place if possible. Similarly the private betting operator encourages the two-way sharing of information and will always respond to requests from regulators and small governing bodies. The information is usually provided to regulators and small governing bodies initially. They have also worked with law enforcement agencies in the past however this is usually when the information has been passed to the relevant agency by a regulator and there is a prospect of criminal charges.

Initially the private betting operator would usually alert the relevant regulator with initial analysis of the event in question, i.e. price movements and market volume. Once further detailed analysis has been undertaken and suspicious betting identified personal details and betting-related data relating to the customers in question may be shared should there be sufficient suspicion.



### **What happens after information is shared?**

There is no obligation for regulators or sports to provide follow-up information on data provided by betting operators. Some do anyways and often there are follow-up requests as investigations are undertaken and more information comes to light.

The national regulator states that disciplinary action has occurred following information received from betting organisations in respect of a number of players, but they are not aware of whether the shared information has led to formal investigations of cases in Ireland.

### **Role of international partners - European institutions, international organisations, and other countries**

At cross-country level, arrangements between UEFA and FIFA with a number of organisations exist that may be utilised to assist in investigations. The type of information shared has mainly been confirmation of betting accounts. Furthermore, MoU with betting operators and FIFA's Early Warning System are self-regulatory arrangements at international level that allow for exchange of information about detected suspicious sporting and betting behaviour.

Some of the MoU Partners the private betting operator has agreements with work at a cross-border level. For example the agreement with UEFA, whereby they share data on suspicious betting activity on the top two divisions of any UEFA regulated country plus domestic cup competitions. The private betting operator also has information sharing agreements with the Tennis Integrity Unit, FIFA, IOC, and International Cricket Council which all operate globally. The data would be shared with the relevant MoU Partner directly and their investigations may then involve national governing bodies and law enforcement in different countries.

These MoUs work in the same way as described above; the private betting operator's customers accept Terms and Conditions which include provisions in the Privacy Policy which allow their details to be shared in certain circumstances and only under a formal request made under the MoU agreement.

The private betting operator hasn't encountered major problems sharing information internationally when needed although issues can vary on a case by case basis. Sharing information directly with law enforcement agencies both nationally and internationally usually requires a court production order which allays any data protection issues.

## **4.10 LATVIA**

### **Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data**

Gambling and betting in Latvia is organised in accordance with the Gambling and Lotteries Law. According to the Law, all betting operators in Latvia must be licensed by the Lotteries and Gambling Supervisory Inspection.

According to the Supervisory Inspection, there are no regulations related to suspicious sports betting activity besides the prohibition on employees of Supervisory Inspection from gambling.

### **Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

There are no regulatory provisions for the collection, processing, and sharing of knowledge and information regarding suspicious sports betting activity. Likewise, betting operators only manage activities concerning suspicious sports betting on the basis of their own internal security rules.

### **What happens after information is shared?**

The Supervisory Inspection are not aware of whether shared information has led to any type of follow up actions.

### **Role of international partners - European institutions, international organisations, and other countries**

According to the Supervisory Inspection, there is no sharing of information between the LGSI other authorities at either cross-border or international level.

## **4.11 LITHUANIA**

### **Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data**

Sports organisations and betting operators are not obliged to inform public authorities, national/international sports associations, betting operators, or national/international law enforcement authorities about suspicious sports betting activities.

### **Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

Likewise, there are no regulatory provisions for the collection, processing and sharing of knowledge and information regarding suspicious sports betting activity in Lithuania. Furthermore, there are no regulatory obligations for sports organisations, betting operators, gambling regulators or other relevant stakeholder to submit information concerning suspicious sports betting activity.

The major private betting operator do have information sharing agreements (MoUs), which would allow them to highlight suspicious betting activity to some sports governing bodies who cover football, tennis and basketball as well as UEFA and Tennis Integrity Unit.

### **What happens after information is shared?**

The national regulator does not indicate that they have information about what happens after information is shared.

The major sports betting operator also have no information in this regard.

### **Role of international partners - European institutions, international organisations, and other countries**

The Lithuanian national regulator states, that it has no knowledge about any arrangements (bilateral, multilateral agreements) that allow for the exchange of information/knowledge between the bodies concerned (national authorities (regulators, the Police, public prosecutors, judicial bodies, etc.), sports organisations and betting operators) at either a cross-border level or an international level.

As stated above, the major private betting operator has several MoUs in place with example Tennis Integrity Unit, UEFA, FIFA, IOC, and International Cricket Council which all operate globally. The data would be directly shared with the relevant MoU partner and their investigations may then involve national governing bodies and law enforcement in different countries.

These MoUs function by the acceptance of Betfair customers of the Terms and Conditions which include provisions in the Betfair Privacy Policy which allow their details to be shared in certain circumstances and only under a formal request made under the MoU agreement.

## **4.12 LUXEMBOURG**

### **Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data**

The legal status of sports betting in Luxembourg is ambiguous. Under the Luxembourg law dated 20 April 1977 on gambling and sport betting, all kinds of gambling activities are strictly forbidden. However, sports betting do not seem to fall under the general prohibition of gambling activities although an authorization is required. Hence, authorized sports betting activities may be carried out.<sup>34</sup>

### **Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

There are no regulatory provisions for the collection, processing, and sharing of knowledge and information regarding suspicious sports betting activity. Nor are there any regulatory obligations for sports organisations, betting operators, gambling regulators, or other relevant stakeholders to submit information concerning suspicious sports betting activity in Luxembourg except general provisions in criminal matters.

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<sup>34</sup> <http://www.jurisconsul.com/en/publications/8-ip-a-it/26-gambling>

That entails that a suspicious sports betting activity would have to meet the legal conditions provided for by certain general provisions of the Luxembourg Penal Code, i.e. fraud, corruption, coercion, etc.

If this condition would be fulfilled, two different provisions would apply:

- Article 23 paragraph (2) and (3) of the Criminal Procedure Code provides that any public authority, public official, elected or nominated, and any kind of civil servants have to inform the Public Prosecutor if (a) they have knowledge of a criminal offence having been committed or if (b) there are reasonable suspicions to believe that money laundering or financing of terrorism activities have taken place or are ongoing or are being prepared. Any kinds of documents and/or information related to that criminal offence, money laundering or financing of terrorism have to be transmitted to the Public Prosecutor in these cases.

This information may include any kind of personal data and/or information whatsoever.

- Article 140 of the Penal Code provides that any person (with some exceptions linked to family members) having knowledge of a crime of which the effects can still be prevented or of which the perpetrators are likely to commit it again, has the obligation to inform the competent judicial or administrative authorities.

The sharing of the transmitted personal data and information in these two cases on an international level would be submitted to the conditions provided for by national and international mutual legal assistance laws and instruments.

Furthermore, all provisions linked to the fight against money laundering and financing of terrorism would of course also apply (Due diligence and “Know Your Customer” obligations, Suspicious Transaction Reports, etc.)

### **What happens after information is shared?**

The national regulator is not aware of whether the shared information has led to any type of follow up actions, as any of the possible actions described above are submitted to an investigative secrecy in criminal matters.

### **Role of international partners - European institutions, international organisations, and other countries**

Under the condition mentioned above, all existing relevant legal instruments related to judicial mutual legal assistance and Police cooperation apply.

## 4.13 MALTA

### **Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data**

In order to set up as a sports betting operator in Malta a licence issued by the Lotteries and Gaming Authority (LGA) is required. Licences are issued in accordance with the Remote Gaming Regulations (RGR) that contains a number of regulations in order to assure the absence of conflicts of interests.

Enforcement has its basis in the relevant provisions of the primary Act – the Lotteries and other Games Act (Cap 438), the RGRs, the specific licence conditions and any other directives issued by the LGA.

Administrative enforcement is done by the LGA, while any suspicion of criminal activity is reported to the Executive Police for further investigation and action. Betting licensees are obliged at law to file an incident report to the LGA. Since the LGA's powers are administrative, on its part, it is obliged to report any suspicion of criminal activity to the Executive Police. In this context it must be recalled that Corruption of Sports is a criminal act in Malta (Cap. 263 of Laws of Malta).

The Executive Police are obliged by the criminal law to inform the Court of Magistrates upon receipt of a report in order to receive directions about proceedings (article 540, Criminal Code). The LGA also makes a report to the Executive Police when information regarding an illegality or suspicion of a criminal offence is received by it. Where the LGA has entered into Memoranda of Understandings regarding exchange of information in relation to suspicious sports betting, it generally reserves the right to pass on the information it receives to competent authorities, sometimes following the consent of the other party to the agreement.

All national authorities concerned, ranging from the gambling regulator to the Police, have a duty to collect and store any data and intelligence which will or may form part of evidence in relation to a particular case of suspicion. The general obligation to safeguard any evidence is needed in order to be able to establish the happening of the offence and convict the perpetrator in accordance with the law. However such duties must respect other general obligations such as that data is only retained for the period necessary to achieve the objectives of the disclosure.

In the event of a suspected breach of the preventive rules and practices by betting operators holding a Maltese license (and in order to ensure that the licensee is in compliance with the Regulations and the license conditions), the LGA is empowered by law, through its inspectorate, to inspect, test and examine any equipment or software, remove the same for inspection, inspect the premises where the same is kept and request any information or documentation from the operator. Once a breach is found, the licensee may be subject to such enforcement measures as are prescribed by law, such as administrative fines.

Licensee's systems are audited prior to being licensed and at particular times during the license period. Information about illegal or irregular practices may be received by the LGA through third parties. The licensee's systems and procedures are not subject to active monitoring, which allows the LGA to react only to illegal or irregular situations and take ex post action. If the licensee's systems are monitored more actively, problems can be identified earlier and enforcement could be more effective. While the LGA has accumulated

technical know-how, set guidelines may also improve the overall detection and enforcement system. Better and more targeted reporting (to matters relating to preventive practices in relation to manipulation of sports) could also help improve the enforcement mechanism. With regard to monitoring, the LGA, together with other stakeholders such as sports organisations, the sports regulator (Kunsill Malti għall-Isports) and the licensees are reviewing the current system with an aim to its improvement. This does not currently include consistent monitoring by the LGA other than the other monitoring systems in place by ESSA and other early warning systems and internal processes by the licensees.

### Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity

Article 4 of the Prevention of Corruption (Players) Act (Chapter 263 of the Laws of Malta) obliges any official, player or organiser who has any knowledge that an offence has been committed in relation to corrupt practices in sports, to report such knowledge to the Executive Police within three months from the date he became aware and shall otherwise be liable for a criminal offence. Such obligation does not apply to the relatives of the perpetrator or his accomplice. Such corrupt practices may relate to betting or not.

Licensed betting operators are also generally obliged to submit incident reports whenever there is a scheduled or unscheduled incident in the gaming system, whether involving internal or external factors which must include the action being taken by the betting provider; including, but not limited to irregular and suspicious betting relating to match fixing.

The LGA may also, on its own initiative or following a complaint or request for information from other sources, investigate and collect information from betting licensees. This may include requests for information made to the LGA by the parties with whom the LGA has bilateral agreements; and, or other enforcement agencies such as the Executive Police.

The other measures providing for sharing of information by betting licensees on individual incidents or events arise from their membership/affiliation with ESSA and, or in compliance with CEN Workshop Agreement which according to Section 6.21 requires them to inter alia, “*notify the relevant sporting body/or Regulatory Authority in line with applicable data protection requirements*”. Moreover, since a number of Maltese licensees also hold licenses in other jurisdictions, these may be sharing information on activities conducted in Malta on the basis of licenses obtained and being operated to authorities in the respective jurisdictions.

The Maltese regulatory regime currently does not define ‘irregular’ or ‘suspicious’ bets which in practice remains very subjective in interpretation. The LGA applies its own practical knowledge and experience attained over the last 10 years it has been in operation, to consider a betting activity trend to be suspicious. In areas where the LGA has a bilateral agreement, the definition may be more objective and explanatory of what may constitute a suspicious bet. Similarly on the licensee’s side, bets may be regarded as suspicious by the licensee based on his knowledge of betting patterns, forecasts, etc. which usually form part of internal standards and practices.

The Data Protection Act (Chapter 440 of the Laws of Malta) does not apply to processing of personal data in areas of criminal law (article 5). Chapter 440.05, the Data Protection (Processing of Personal Data in the

Police Sector) Regulations apply in these cases. The law allows for the processing of all personal data as long as it conforms to certain set requirements, such as accuracy, precise information as to whom it can be shared with and detail must be limited to the extent required for the LGA or Police to be able to perform their functions properly. Communications relating to personal data among authorities must stem from a legal obligation or otherwise be consented to by the Commissioner for Data Protection.

On the other hand when a betting licensee is reporting an incident to the LGA as required, the details passed on to the LGA include a personal identification number (usually registration number of the player) and exclude personal information unless there is reason to investigate further and refer to the Police, in which case, the actual details will be allowed by law to be given as highlighted above.

### **What happens after information is shared?**

Action is generally commenced by the Disciplinary Board of the relevant sports organisation. On the report of a suspicion, the Disciplinary Board begins its investigation by following the facts of the particular facts which have been reported and endeavours to collect all the related evidence. The case is then heard before the board which, on finding evidence of foul-play is empowered to issue fines and order suspension of play as it deems fit. Depending on the particular sports events concerned, the case may be forwarded to or the board may request the involvement of the relevant international organisation. In many cases, reports are further made to the Executive Police who then prosecute formally before the Maltese courts.

Proceedings before the various disciplinary boards are relatively frequent. According to data available, since 2008, nine of these, all relating to corruption in Maltese football, resulted in formal proceedings before the courts of Malta:

- Police vs. GA (1278/2008)
- Police vs. ML
- Police vs. MCJ (111/2009) or (204/2009)
- Police vs. AE (60/2009)
- Police vs. GC (527/2009)
- Police (GA) vs. HPJ (205/2009)
- Police vs. AJ&PI (15/2009)
- Police vs. AE (99/2010)
- Police vs CJ (348/2010)



## Role of international partners - European institutions, international organisations, and other countries

There are a number of bilateral and multilateral arrangements entered into at cross-border level with other jurisdictions. In general Malta wishes to enter into more such agreements and take a more practical and wider approach to their implementation and sharing of good practices. The current ones in effect generally deal with the exchange of general or more specific information, which may or may not include suspicious sports betting behaviour and other corrupt and fraudulent practices. The general provisions of the law, including those relating to data protection, apply to these arrangements since until now there is no legal basis for such exchanges. Where the policing authorities are concerned, the special rights and obligations in relation to data protection apply. In other cases, the general applies and this may indeed serve as an obstacle to optimal operation of such arrangements.

The other measures providing for sharing of information by betting licensees on individual incidents or events arise from their membership/affiliation with ESSA and, or in compliance with CEN Workshop Agreement which according to Section 6.21 requires them to inter alia, “notify the relevant sporting body/or Regulatory Authority in line with applicable data protection requirements”. Moreover, since a number of Maltese licensees also hold licenses in other jurisdictions, these may be sharing information on activities conducted in Malta on the basis of licenses obtained and being operated to authorities in the respective jurisdictions.

Furthermore, there are several international agreements on the sharing of information. The LGA has entered into Memoranda of Understanding with three organisations: the International Olympic Committee, ESSA, and FIFA-Early Warning System GmbH (FIFA-EWS). The LGA has also entered into memoranda of understanding with other regulators and such memoranda also contain provisions relating to exchange of information.

Some of these agreements describe the general obligations between the parties in order to share information about any reasonable suspicion they may have of irregular betting patterns or activities which could threaten the integrity of a sporting event, together with any relevant information or documentation regarding such activities. The parties further recognise that obligations regarding information sharing between parties such as protection of personal data, privacy and confidentiality are respected.

Other agreements go further and define ‘irregular betting patterns’, e.g. several bets which cannot be explained in normal day-to-day running of business; many bets received in a short time span; many bets received from the same region; odds are dramatically reduced and clients continue to bet at any price. These agreements actually lay down the kind of information which is to be reported e.g. weight of betting and probable result.

The LGA has recently begun a process of revisiting all its Memoranda of Understanding in order to establish which provisions could be strengthened to be more effective and to establish with other parties the operative procedures in relation to such agreements. The LGA is also working on increasing the number of bilateral relations both with regulators and organisations and implementing a more practical and operative approach to same.

It is also known that betting operators and sports organisations enter into bilateral agreements with each other.

The main legal obstacle includes that arising from data protection obligations and general obligations of confidentiality imposed upon the Authority. Operational obstacles arise mainly from the fact that following the signature of the MoUs with the above-mentioned organisations, procedures which are to be followed to put such MoUs into operation are not discussed and planned out. The LGA has in fact just launched a process of revisiting the MoUs and discussing with said organisations the operative parts of the instruments. The LGA is also looking into the legal obstacles it has faced and considering the options in trying to eliminate or mitigate them.

It has been identified that set procedures and general overall coordination will go a long way in improving the systems of exchange of information. The establishment of a centralised system, definitely within and possibly across Malta's borders will also help improve the overall system. This may help contribute to a better state of affairs by the earlier detection of suspicious behaviour and trends before such is acted upon and the harmful event actually takes place. Preventive mechanisms are desirable.

#### **4.14 POLAND**

##### **Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data**

In Poland, the legal framework for the sharing of information related to suspicious sports betting activity is based on the Act of 16 November 2000 on counteracting money laundering and the financing of terrorism.

The Ministry of Finance and Customs Services are involved with regard to the collection, processing and storing of data and intelligence regarding suspicious sports betting activity. The betting operators are furthermore required to pass on the information on suspicious sport betting behaviour to the national authorities as soon as they become aware of the information.

According to the national lottery, the national authorities are not obliged to inform the betting operators about the measures taken as a follow-up to the information received.

##### **Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

According to the provisions, sport betting operators are obliged to report to Ministry of Finance and Customs Services in case a suspicious activity is detected.

The Act defines suspicious betting activity in accordance to the value of the wager as well as the prize and player. Data about every wager above EUR 5,000 is recorded and stored.

The information shared can be names, addresses, ID numbers and bank account numbers (if internet betting). The data is kept according to the Data protection act

Furthermore, the national lottery as well as the major private betting operator informally shares information through networks. The national lottery shares information with three other Polish operators, while the private betting operator shares information through ESSA.

### **What happens after information is shared?**

According to both the national and the private operator, the national authorities are not formally required to inform about any follow-up actions of Ministry of Finance or any other authority.

The national lottery states that shared information has led to formal investigations of cases and that the shared information/alerts can be used in court procedures (national courts and/or Courts of Arbitration for Sport). They do not, however, have any data on concrete investigations.

In case of self-regulatory agreements, the national lottery states that in the past, sport betting associations have blocked jointly certain suspicious bets from execution due to exchanged information.

### **Role of international partners - European institutions, international organisations, and other countries**

The national lottery doesn't have any arrangements (bilateral, multilateral agreements) in place that allow for the exchange of information/knowledge about detected suspicious betting behaviour between betting operators and other relevant bodies at either cross-border or international level.

The national lottery states that the role of sharing information on suspicious activity internationally is undertaken by the Ministry of Finance, but according to the national lottery, they don't really act in this respect.

The national lottery suggests that the implementation of an EU directive on betting could regulate the need for this action and impose obligations on local regulators to gather data locally and report internationally.

As a member of ESSA, on the other hand, the private betting operator shares information to the network when they observe suspicious activity (odds variations, unusual stakes). Then all other operator members of ESSA must react within one hour to explain whether they were affected or not. ESSA can thereafter submit information to international sport integrity organizations, such as the tennis integrity unit, or international sports organizers, such as CIO. The information shared through ESSA is not personal, so the network is not affected by data protection laws.

## 4.15 PORTUGAL

### **Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data**

The Games Department of the charity foundation Santa Casa da Misericórdia de Lisboa (SCML) has the exclusive license to administer sports betting in Portugal. No other institution is licensed to operate sports betting, which means that no private enterprises conduct sports betting in Portugal. The betting games of SCML are defined by law and restricted to pari-mutuel betting on the results of competitive football matches.

The Portuguese law No. 50/2007, named Criminal Liability for Corruption in Sports, makes criminal conduct that influence truth, loyalty and fairness of results in sport matches. Passive as well as active corruption is criminalised as is conspiracy.

Information is stored with the organisations unless it is considered a judiciary affair for criminal investigators.

### **Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

Information on suspicious betting patterns is shared when a criminal investigation is relevant.

Law No. 50/2007, Criminal Liability for Corruption in Sports, requires that sport federations, leagues, clubs and associations must inform the competent judicial authority when they acknowledge suspicious activities regarding the manipulation of competitive sport events. This applies to both employees and members of such organisations.

Information that relates to corruption in sport must be shared with judicial competencies according to the criminal procedure determined by law. However, any collecting, processing and sharing of such information must comply with the rules for data protection and privacy.

### **What happens after information is shared?**

The betting regulating authority in Portugal is not aware of any instances where shared information has led to formal investigations or any type of follow up actions.

However, guidelines to the judiciary consequences of corruption in sports exist in Portugal. Generally, penalties for corruption in sports increase if the individual is connected within the sports world – as a sports director, referee, entrepreneur or a sports legal person.

### **Role of international partners - European institutions, international organisations, and other countries**

As the national regulator is a member of the ELMS, possible irregular betting patterns will be shared with the ELMS and affiliated organizations.

## 4.16 SLOVAKIA

### Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data

The overall regulatory and legal framework related to suspicious sports betting activity is mainly attuned to Anti-Money Laundering (AML). As such, only if the court or Police ask the national lottery for information related to AML, sports betting operators are obliged to share it. The information can be stolen credit card used for activities such as betting. The national lottery has internal guidelines on how to follow activities related to AML and inform the special Police department.

Furthermore, if there is an ongoing supervision by the national regulator, their employees are obliged to report suspicions of a crime to the bodies engaged in criminal proceedings and other facts to the bodies that are relevant according to special regulations such as Section 11 par. 2 letter h) Act on Gambling Games.

### Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity

There are no provisions, rules or legislation for the collection and processing of information and knowledge regarding suspicious sports betting activity, just as there are no regulatory obligations for betting operators to share or submit information concerning suspicious sports betting activity to relevant parties.

The national lottery uses SportRadar and their service only. There is no obligation to share the information with third parties. They have three criteria for suspicious betting activity:

- Bad experiences with a particular sport, or sports club, can result in the setting of a maximum bet limit, or a removal of a bet offer
- Information from Sportradar
- Unofficial contacts with other betting companies to compare the information

### What happens after information is shared?

The national authorities are not obliged to share information about measures taken as a follow-up to the information received.

The respondents have not answered whether shared information is actually used.

### Role of international partners - European institutions, international organisations, and other countries

The respondents states that they don't have either formal or informal information sharing agreements at cross-border or international level. The national lottery states that it experiences difficulties in information sharing with other betting operators, since the other operators don't want to share information.

## 4.17 SLOVENIA

### Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data

There are several regulations in place related to suspicious sports betting activity such as the Gaming act, the Criminal code, Offences Act and the separate rules and acts of respective sports federations.

Supervisory authority for gaming supervision in Slovenia is organized within the Tax Administration of the Republic of Slovenia, while the granting of concessions and the preparation of legislation in the field of gambling is in the jurisdiction of the Ministry of finance (the term “Gambling regulator” in terms of supervisory responsibilities refers to Tax Administration).

The national betting operator, *Športnaložerija, d.d.*, collects and store information about players who are placing bets online. The Football and Handball federation of Slovenia (NZS and RZS), collect data on football and handball players who have concluded a contract with professional football and handball clubs in Slovenia.

Furthermore, there exist restrictions and prohibitions for players who are employed in the self-regulatory framework of the Slovenian football and handball federations (NZS and RZS). For example, in the Slovenian Football and Handball federation’s self-regulatory rules, a clause on the prohibition of participation in sports betting for the players is included in the contract with sports clubs.

In the case of suspicious betting, the national betting operator closes the possibility of betting on the sporting event itself or event-related betting options. The betting operator in Slovenia has a relatively low maximum on winnings, so it's less interesting for players who would like to profit from sports betting in conjunction associated with the manipulation of sport competitions.

The enforcement of the regulations is shared by the gambling regulator, Slovenian Police, the national and private betting operators, and the individual sports federations.

### Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity

According to the national regulator, the national betting operator is obliged to share information to the national authorities in case of reasonable suspicion of criminal offenses, which are prosecuted by the criminal code. This obligation is in accordance with the Gaming Act, regulations, and concluded concession contracts. However, the national lottery itself states that it is not obliged to share information with the national authorities.

In addition, the Slovenian national lottery is a member of the European Lotteries Association (EL) and is as such, obliged to inform EL about suspicious sports betting activities within the ELMS.

Besides the membership in EL, the national lottery states that they don't have any self-regulatory agreements with sports organisations or national authorities

### **What happens after information is shared?**

Neither the national regulator nor the national lottery states that they have knowledge about whether shared information has led to any follow-up action.

### **Role of international partners - European institutions, international organisations, and other countries**

As stated, the national lottery is a member of the EL but otherwise they have no agreements at a cross-border or an international level.

The national regulator states that in 2013, Slovenia signed a Memorandum on Sport cooperation with Macedonia (FYROM) and the Russian Federation, which includes cooperation in the field of risks associated with the manipulation of sport competitions. No information has so far been shared on the basis of the memorandum.

The national regulator states that there are legal problems with sharing of information at cross-border and at international level. Cooperation between national regulators depends on the kind of information and data that can be exchanged between the authorities and is often associated with limitations in the field of protection of personal data.

The national regulator points to a clear definition of the areas Member States can request and exchange information in order to ensure successful cross-border administrative cooperation.

## **4.18 SWEDEN**

### **Overall regulatory and legal framework related to suspicious sports betting activity, including the collection and storing of relevant data**

There are different rules that can be used when dealing with the manipulation of sports competitions in Sweden. The criminal rules at hand is chapter 9 § 1 the Swedish Penal Code which deals with fraud and chapter 10 § 5a the Swedish Penal Code that deals with bribery. In addition, sport has its own punishment system where manipulation of sports competitions is criminal according to the statutes of Swedish Sports Confederation, chapter 1.

The core values are about fair play and violations can be punished in accordance to chapter 14 § 2 the statutes of Swedish Sports Confederation. In addition, there are several competition rules according to special sports federation (e.g. the Swedish Football Association) regulations. If not followed, it can result in punishment according to chapter 14 of the statutes of Swedish Sports Confederation.

Pursuant to rules designed to preserve the sport's integrity, participants are not allowed to play on their own games. The betting organizers have systems that signal/warn in case of abnormal betting behaviour. These systems are primarily intended to manage the financial risk with betting. It can also indicate that there is something suspicious about the betting object, i.e. if a game is fixed.

Sports organizations are obliged to report tampering and to cooperate with the Police/prosecutor if there is suspicion of criminal offenses related to betting activities. There are no other obligations, but the dialogue between the different operators and information is active and passed on when needed, for example between the national lottery and the individual sports federations. Police/prosecutors are not required to submit any information to sports organizations.

Furthermore, betting operators should report suspicious sport betting behaviour to the supervisory authority, the Swedish Gambling Authority, as soon as the information is available, even though this is not formally specified. However, according to the national lottery, the gambling authority does not act on the information, they only ask the betting operators to keep them informed of actions taken by them. According to the national lottery, the gambling authority will not investigate or bring the matter to others.

Sports organisations, through each sporting disciplinary committee (1st instance) and the National Sports Committee (2nd instance), are responsible to assess sporting manipulations. Those manipulations considered criminal are handled by the Police, the public prosecutor and the rest of the court system.

### **Regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

Sports organisations, betting operators and gambling regulators are required to pass on the information on suspicious sport betting behaviour to national authorities if there is suspicion of an offense that is regulated in The Swedish Penal Code.

Furthermore, the national lottery has a general obligation to report all kinds of incidents to the supervisory authority for the SGA. However, there are no specific regulatory requirements for sports betting operators in respect to reporting suspicious activities.

The national lottery is a member of the European Lotteries Association and shares information through the ELMS.

The national lottery has developed their own monitoring based on experience and general knowledge of scenarios that indicates that something is out of pattern. If there is no plausible explanation to the variation of betting-pattern on an event, the event will be investigated in accordance with internal procedures. To some extent the patterns identified are the same, but risks may differ. The main focus is however to ensure that the events on which the lottery offers bets are safe in relation to the rules of the specific sport, thus the betting should always coincide with the purpose of the specific sport and competition



### **What happens after information is shared?**

The recipients of the information from the betting operators are not obliged to inform about the measures taken as a follow-up to the information received. The national lottery however states that there have been approximately 8 Police investigations thus far in Sweden, while sports associations are also investigating suspicions of breach of rules of the sport.

The information shared by the betting operators can be used in court procedures. According to the national lottery, since there are no legal obligations to share information and therefore no formalised process at all, there is duplications of efforts as well as risk that matters are not dealt with at all.

### **Role of international partners - European institutions, international organisations, and other countries**

There exist no agreements at either cross-border or at international level that includes Swedish authorities.

The national lottery is a member of EL and is thus obliged to share information within the ELMS.

## 1. Appendix C. Questionnaire to betting regulators

### **PART B – Study on the sharing of information and reporting of suspicious sports betting activity in the EU 28 (EAC/17/2013).**

*The study will identify existing national regulations, self-regulatory arrangements and practices governing the detection, collection, processing, sharing of information and reporting of suspicious sports betting activity, involving sports organisations, betting operators, gambling regulators, providers of betting monitoring mechanisms and other relevant national authorities in the 28 EU Member States. It will describe the role and tasks of relevant stakeholders in relation to suspicious sports betting activity and identify arrangements ensuring exchange of knowledge and intelligence about suspicious sports betting activity. It will also draw conclusions with regard to the possibility for the EU to act to improve the situation on the basis of identified problems.*

### **Section 5. Existence of regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

The goal of this section is to identify existing national regulations, self-regulatory arrangements and practices governing the detection, collection, processing, sharing of information as well as reporting of suspicious sports betting activity.

<b>Q12.</b>	Are there regulatory provisions for the collection, processing and sharing of knowledge and information regarding suspicious sports betting activity in your country? Yes/no
<b>a)</b>	If so, please identify and describe the specific legislation and/or (self-regulatory) rules and/or practice.
<b>b)</b>	How do you or other relevant stakeholders (e.g. sport organisations and betting operators) decide if sports betting activity is considered suspicious?

	<p>When answering please describe:</p> <ul style="list-style-type: none"> <li>- Do procedure(s) and/or criteria to decide whether sports betting activity is considered suspicious exist? If so please describe them.</li> <li>- Are the procedures/criteria based on specific legislation or (self-regulatory) rules and/or practice? If so, please identify and describe.</li> <li>- Are the procedures/criteria the same for all kinds of betting activity and for all sports? If not identify and explain the differences.</li> </ul>
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<b>Q13.</b>	<p>Are there any regulatory obligations for sports organisations, betting operators, gambling regulators or other relevant stakeholder to submit information concerning suspicious sports betting activity?</p>
<b>a)</b>	<p>If so, please identify and describe the specific legislation or (self-regulatory) rules and/or practice.</p>
<b>b)</b>	<p>Does this information include personal data (names, addresses, credit card numbers, etc.) of the people involved (e.g. sportspeople, betting customers) in suspicious betting behaviour? Yes/No?</p>
<b>c)</b>	<p>If so, how is the protection of personal data issues dealt with? (E.g. what kind of information might/must be shared and what procedural and formal steps need to be taken to share this information?)</p>

<b>Q14.</b>	Are you aware of whether the shared information has led to any type of follow up actions?
<b>a)</b>	If yes, what type of action and how often??
<b>b)</b>	Are you aware of whether the shared information has led to formal investigations of cases in your country?
<b>c)</b>	If so, please list the number of investigations and if possible the cases.

#### **Section 6. Role and task of national authorities in sharing of information**

The goal of this section is to to describe the role and tasks of national authorities (including gambling regulators, police, public prosecutors, judicial bodies, etc.), sports organisations, and betting operators in relation to suspicious sports betting activity, including the collection and storing of relevant data

<b>Q15.</b>	Who are sports organisations or betting operators obliged to inform (public authorities, national/international sports associations, betting operators, (inter)national law enforcement authorities, etc.) and what kind of information do they exchange, collect and store?
<b>a)</b>	On what basis are they obliged to inform others and exchange information (e.g. legally binding agreements between sports organizations, betting operators and gambling regulations or self-regulatory measures, established by the industry, or memoranda of understanding, etc.)
<b>b)</b>	Are the recipients of the information equally obliged to inform about the measures taken as a follow-

	up to the information received? Yes/no
c)	If so, which are the modalities for the implementation of this obligation (law, regulation, code of conduct? In writing, public notification, at meetings?)?
d)	What is the involvement/role of national authorities (gambling regulators, police, public prosecutors, judicial bodies, etc.) with regard to the collection, processing and storing of data and intelligence regarding suspicious sports betting activity?

<b>Q16.</b>	In particular, are sports organisations, betting operators and gambling regulators required to pass on the information on suspicious sport betting behaviour to national authorities? Yes/No
a)	If so, what kind of information and in what stage?

### **Section 7. Exchange of knowledge and intelligence at EU and international level**

The goal of this section is to identify arrangements at EU and international level (bilateral or multilateral arrangements) that ensures exchange of knowledge and intelligence about suspicious sports betting activity.

<b>Q17.</b>	Are there any arrangements (bilateral, multilateral agreements) in place that allow for the exchange of information/knowledge between the bodies concerned (national authorities (regulators, police, public prosecutors, judicial bodies, etc.), sports organisations and betting operators) at <u>cross-border level</u> ?
<b>a)</b>	<p>If so, please specify the type of information and knowledge shared?</p> <p>When answering please:</p> <ul style="list-style-type: none"> <li>- Specify the instruments used</li> <li>- Describe how data protection issues are dealt with under these arrangements</li> </ul>
<b>b)</b>	Are there any (self-)regulatory arrangements at international level that allow for exchange of information about detected suspicious sporting/betting behaviour?

<b>Q18.</b>	Are there any arrangements (bilateral, multilateral agreements) in place that allow for the exchange of information/knowledge between the bodies concerned (national authorities (regulators, police, public prosecutors, judicial bodies, etc.), sports organisations, betting operators) at <u>international level</u> ?
<b>a)</b>	<p>If so, please specify the type of information and knowledge shared?</p> <p>When answering please:</p> <ul style="list-style-type: none"> <li>- Specify the instruments used</li> <li>- Specify how data protection issues are dealt with under these arrangements</li> </ul>

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<b>Q19.</b>	Are there any problems in the sharing of information cross-border and internationally concerning suspicious sports betting activity?
<b>a)</b>	If so, please list and describe. Please take into account whether the reasons are mainly legal (e.g. data protection issues) or operational (lack of coordination and of exchange of information).
<b>b)</b>	How could the exchange of information be improved? Please explain and provide examples

<b>Q20.</b>	What role could the EU institutions play to improve the exchange of information bilaterally and internationally?
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## 2. Appendix D. Questionnaire to private betting operators

**Study on the sharing of information and reporting of suspicious sports betting activity in the EU 28 (EAC/17/2013).**

*This study will identify existing national regulations, self-regulatory arrangements and practices governing the detection, collection, processing, sharing of information and reporting of suspicious sports betting activity, involving sports organisations, betting operators, gambling regulators, providers of betting monitoring mechanisms and other relevant national authorities in the 28 EU Member States. It will describe the role and tasks of relevant stakeholders in relation to suspicious sports betting activity and identify arrangements ensuring exchange of knowledge and intelligence about suspicious sports betting activity. It will also draw conclusions with regard to the possibility for the EU to act to improve the situation on the basis of identified problems.*

We are aware that most private bookmakers cover many markets as well as sports and that regulations and procedures for sharing of information can vary from country to country and from sport to sport. The study covers all 28 EU countries but certain countries have been allocated to each bookmaker in this survey. **When replying to the questions please do it for the following countries/markets and sports:**

Country X (football, tennis and X)

Country Y (football, tennis and Y)

Country Z (football, tennis and Z)

### **Section 1. Existence of regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

The goal of this section is to identify existing arrangements and practices for the detection, collection, processing, sharing of information as well as reporting of suspicious sports betting activity.

We focus first on regulatory obligations to share information. Subsequently, we will focus on self-regulatory instruments, such as memoranda of understanding and similar arrangements.



<b>Q1.</b>	Are there provisions/rules/legislation for the collection and processing of information and knowledge regarding suspicious sports betting activity? Yes/no
<b>a)</b>	<p>If yes, please describe the specific practices?</p> <ul style="list-style-type: none"> <li>- Please describe the differences between countries and sports, if possible</li> </ul>
<b>b)</b>	<p>If no, do you still collect and process knowledge and information regarding suspicious sports betting activity in your country?</p> <ul style="list-style-type: none"> <li>- Please describe the specific practices?</li> </ul>
<b>c)</b>	<p>How do you decide if sports betting activity is considered suspicious?</p> <p>When answering please describe:</p> <ul style="list-style-type: none"> <li>- Do procedure(s) and/or criteria to decide whether sports betting activity is considered suspicious exist? If so please describe them.</li> <li>- Are the procedures/criteria based on specific legislation/rules and/or practice? If so, please identify and describe.</li> <li>- Are the procedures/criteria the same for all kinds of betting activity, all types of sport and all countries? If not, please identify and explain the differences.</li> </ul>

<b>Q2.</b>	Are there any <b>regulatory</b> obligations for betting operators to share/submit information concerning suspicious sports betting activity to relevant parties? Yes/no
<b>a)</b>	<p>If yes, please describe rules and/or practices, including:</p> <ul style="list-style-type: none"> <li>- Differences between countries and sports?</li> <li>- Which circumstances/events will oblige betting operators to inform relevant parties?</li> </ul>

b)	<ul style="list-style-type: none"> <li>- Who do betting operators have to inform (public authorities, national/international sports associations, (inter)national law enforcement authorities, etc.)?</li> <li>- At which stage?</li> <li>- What kind of information do betting operators share (names, addresses, credit card numbers, etc. of the people involved (e.g. sportspeople, betting customers) in suspicious betting behaviour)?</li> </ul> <p>If yes, how is the protection of personal data issues dealt with? (E.g. what kind of information might/must be shared and what procedural and formal steps need to be taken to share this information?)</p>
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Q3.	<p>Do you have <u>self-regulatory</u> agreements (such as memoranda of understanding or similar agreements) with sports organisations/associations and/or public authorities which describe and allow the exchange of information on suspicious betting patterns between you and sports governing bodies?</p>
a)	<p>If yes, please describe the procedures, including:</p> <ul style="list-style-type: none"> <li>- Differences between countries and sports?</li> <li>- Under what circumstances/events will betting operators inform relevant parties?</li> <li>- Who will betting operators inform (public authorities, national/international sports associations, (inter)national law enforcement authorities, etc.)?</li> <li>- At what point in time?</li> <li>- What kind of information do betting operators share (names, addresses, credit card numbers, etc. of the people involved (e.g. sportspeople, betting customers) in suspicious betting behaviour)?</li> </ul>
b)	<p>If yes, how is the protection of personal data issues dealt with? (E.g. what kind of information might/must be shared and what procedural and formal steps need to be taken to share this information?)</p>
c)	<p>If yes, which sports organisations/associations do you have information sharing agreements with (list can be included as an appendix or attachment. Please include international bodies)</p>
d)	<p>Do you share information with sports associations/organisations that you do not have information sharing agreements with? Yes/no?</p>

e)	If yes, please describe how you cooperate with these sports associations/organisations?
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<b>Q4.</b>	Are you aware of whether the shared information, such as those based on regulatory obligations or self-regulatory agreements, has led to follow up actions?
a)	If yes, what type of action and how often?
b)	Has the shared information has led to formal investigations of cases? Yes/no
c)	If yes, please list the number of investigations and if possible the cases and countries.
d)	Can the shared information/alerts be used in court procedures (national courts and/or Courts of Arbitration for Sport)? Yes/no
e)	If no, please explain why not?
<b>Q5.</b>	Is the sharing of information with other parties streamlined and efficient (e.g. one relevant actor will inform all relevant parties) or is there duplication of efforts (e.g. a variety of actors must be informed by the betting operators)?

## **Section 2. Role and task of national authorities in sharing of information**

The goal of this section is to describe the role and tasks of national authorities (including gambling regulators, police, public prosecutors, judicial bodies, etc.), sports organisations, and betting operators in relation to suspicious sports betting activity, including the collection and storing of relevant data

<b>Q6.</b>	Are the recipients of the information from the betting operators obliged to inform about the measures taken as a follow-up to the information received? Yes/no
<b>a)</b>	<p>If yes, which are the modalities for the implementation of this obligation?</p> <p>(<i>note</i>: modalities include laws, regulations, codes of conduct, etc. These can be implemented in writing, public notification, at meetings, and other forms of communication)</p>
<b>b)</b>	What is the involvement/role of national authorities (gambling regulators, police, public prosecutors, judicial bodies, etc.) with regard to the collection, processing and storing of data and intelligence regarding suspicious sports betting activity?
<b>Q7.</b>	In particular, are betting operators required to pass on the information on suspicious sport betting behaviour to national authorities? Yes/No
<b>a)</b>	If so, in which countries, what kind of information and in what stage?

**Section 3. Exchange of knowledge and intelligence at EU and international level**

The goal of this section is to identify arrangements at the EU and international level (bilateral or multilateral arrangements) that ensure exchanges of knowledge and intelligence about suspicious sports betting activity.

<b>Q8.</b>	Do you have any arrangements (bilateral, multilateral agreements) in place that allow for the exchange of information/knowledge about detected suspicious betting behaviour between betting operators and other relevant bodies (national authorities (regulators, police, public prosecutors, judicial bodies, etc.) sports organisations) at <u>cross-border level</u> ?
<b>a)</b>	<p>If so, please specify the type of information and knowledge shared?</p> <p>When answering, please:</p> <ul style="list-style-type: none"> <li>- Specify the instruments used</li> <li>- Specify the bodies informed</li> <li>- Describe how data protection issues are dealt with under these arrangements</li> </ul>

<b>Q9.</b>	Are there any arrangements (bilateral, multilateral agreements) in place that allow for the exchange of information/knowledge about detected suspicious betting behaviour between the bodies concerned (national authorities (regulators, international police/investigative units, international public prosecutors etc.), sports organisations, betting operators) at <u>international level</u> ?
<b>a)</b>	<p>If so, please specify the type of information and knowledge shared?</p> <p>When answering please:</p> <ul style="list-style-type: none"> <li>- Specify the instruments used</li> </ul>

	<ul style="list-style-type: none"> <li>- Specify the bodies informed</li> <li>- Specify how data protection issues are dealt with under these arrangements</li> </ul>
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<b>Q10.</b>	Are there any problems in the sharing of information cross-border and internationally concerning suspicious sports betting activity?
<b>a)</b>	If so, please list and describe. Please take into account whether the reasons are mainly legal (e.g. data protection issues) or operational (lack of coordination and of exchange of information).
<b>b)</b>	How could the exchange of information be improved? Please explain and provide examples

<b>Q11.</b>	What role could EU institutions play to improve the exchange of information bilaterally and internationally?
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### 3. Appendix E. Questionnaire to National Lotteries

**Study on the sharing of information and reporting of suspicious sports betting activity in the EU 28 (EAC/17/2013).**

*This study will identify existing national regulations, self-regulatory arrangements and practices governing the detection, collection, processing, sharing of information and reporting of suspicious sports betting activity, involving sports organisations, betting operators, gambling regulators, providers of betting monitoring mechanisms and other relevant national authorities in the 28 EU Member States. It will describe the role and tasks of relevant stakeholders in relation to suspicious sports betting activity and identify arrangements ensuring exchange of knowledge and intelligence about suspicious sports betting activity. It will also draw conclusions with regard to the possibility for the EU to act to improve the situation on the basis of identified problems.*

**Section 1. Existence of regulatory and self-regulatory framework for sharing of information and reporting of suspicious sports betting activity**

The goal of this section is to identify existing arrangements and practices for the detection, collection, processing, sharing of information as well as reporting of suspicious sports betting activity.

We focus first on regulatory obligations to share information. Subsequently, we will focus on self-regulatory instruments, such as memoranda of understanding and similar arrangements.

<b>Q1.</b>	Are there provisions/rules/legislation for the collection and processing of information and knowledge regarding suspicious sports betting activity in your country? Yes/no
<b>a)</b>	If yes, please describe the specific practices?
<b>b)</b>	If no, do you still collect and process knowledge and information regarding suspicious sports betting activity in your country?  - Please describe the specific practices?

c)	<p>How do you decide if sports betting activity is considered suspicious?</p> <p>When answering please describe:</p> <ul style="list-style-type: none"> <li>- Do procedure(s) and/or criteria to decide whether sports betting activity is considered suspicious exist? If so please describe them?</li> <li>- Are the procedures/criteria based on specific legislation/rules and/or practice? If so, please identify and describe?</li> <li>- Are the procedures/criteria the same for all kinds of betting activity and for all types of sport? If not, please identify and explain the differences?</li> </ul>
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Q2.	<p>Are there any <b>regulatory</b> obligations for betting operators to share/submit information concerning suspicious sports betting activity to relevant parties? Yes/no</p> <p>If yes, please describe rules and/or practices in your country, including:</p> <p>a)</p> <ul style="list-style-type: none"> <li>- Which circumstances/events will oblige betting operators to inform relevant parties?</li> <li>- Who do betting operators have to inform (public authorities, national/international sports associations, (inter)national law enforcement authorities, etc.)?</li> <li>- At which stage?</li> <li>- What kind of information do betting operators share (names, addresses, credit card numbers, etc. of the people involved (e.g. sportspeople, betting customers) in suspicious betting behaviour)?</li> <li>- Are the regulations the same for all kinds of betting activity and for all types of sport? If not, please identify and explain the differences?</li> </ul> <p>b)</p> <p>If yes, how is the protection of personal data issues dealt with? (E.g. what kind of information might/must be shared and what procedural and formal steps need to be taken to share this information?)</p>
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<b>Q3.</b>	Do you have <b>self-regulatory</b> agreements (such as memoranda of understanding or similar agreements) with sports organisations/associations and/or public authorities which describe and allow the exchange of information on suspicious betting patterns between you and sports governing bodies?
<b>a)</b>	<p>If yes, please describe the procedures in your country, including:</p> <ul style="list-style-type: none"> <li>- Under what circumstances/events will betting operators inform relevant parties?</li> <li>- Who will betting operators inform (public authorities, national/international sports associations, (inter)national law enforcement authorities, etc.)?</li> <li>- At what point in time?</li> <li>- What kind of information do betting operators share (names, addresses, credit card numbers, etc. of the people involved (e.g. sportspeople, betting customers) in suspicious betting behaviour)?</li> <li>- Are the regulations the same for all kinds of betting activity and for all types of sport? If not, please identify and explain the differences?</li> </ul>
<b>b)</b>	If yes, how is the protection of personal data issues dealt with? (E.g. what kind of information might/must be shared and what procedural and formal steps need to be taken to share this information?)
<b>c)</b>	If yes, which sports organisations/associations do you have information sharing agreements with (list can be included as an appendix. Please include international bodies)
<b>d)</b>	Do you share information with sports associations/organisations that you do not have information sharing agreements with? Yes/no?
<b>e)</b>	If yes, please describe how you cooperate with these sports associations/organisations?

<b>Q4.</b>	Are you aware of whether the shared information, such as those based on regulatory obligations or self-regulatory agreements, has led to follow up actions?
<b>a)</b>	If yes, what type of action and how often?
<b>b)</b>	Has the shared information led to formal investigations of cases? Yes/no
<b>c)</b>	If yes, please list the number of investigations and if possible the cases and countries.
<b>d)</b>	Can the shared information/alerts be used in court procedures (national courts and/or Courts of Arbitration for Sport)? Yes/no
<b>e)</b>	If no, please explain why not
<b>Q5.</b>	Is the sharing of information with other parties streamlined and efficient (e.g. one relevant actor will inform all relevant parties) or is there duplication of efforts (e.g. a variety of actors must be informed by the betting operators)?

**Section 2. Role and task of national authorities in sharing of information**

The goal of this section is to describe the role and tasks of national authorities (including gambling regulators, police, public prosecutors, judicial bodies, etc.), sports organisations, and betting operators in relation to suspicious sports betting activity, including the collection and storing of relevant data

<b>Q6.</b>	Are the recipients of the information from the betting operators obliged to inform about the measures taken as a follow-up to the information received? Yes/no
<b>a)</b>	<p>If yes, which are the modalities for the implementation of this obligation?</p> <p>(<i>note</i>: modalities include laws, regulations, codes of conduct, etc. These can be implemented in writing, public notification, at meetings, and other forms of communication)</p>
<b>b)</b>	What is the involvement/role of national authorities (gambling regulators, police, public prosecutors, judicial bodies, etc.) with regard to the collection, processing and storing of data and intelligence regarding suspicious sports betting activity?
<b>Q7.</b>	In particular, are betting operators required to pass on the information on suspicious sport betting behaviour to national authorities? Yes/No
<b>a)</b>	If so, what kind of information and in what stage?

**Section 3. Exchange of knowledge and intelligence at EU and international level**

The goal of this section is to identify arrangements at the EU and international level (bilateral or multilateral arrangements) that ensure exchanges of knowledge and intelligence about suspicious sports betting activity.

<p><b>Q8.</b></p>	<p>Do you have any arrangements (bilateral, multilateral agreements) in place that allow for the exchange of information/knowledge about detected suspicious betting behaviour between betting operators and other relevant bodies (national authorities (regulators, police, public prosecutors, judicial bodies, etc.) sports organisations) at <u>cross-border level</u>?</p>
<p><b>a)</b></p>	<p>If so, please specify the type of information and knowledge shared?</p> <p>When answering, please:</p> <ul style="list-style-type: none"> <li>- Specify the instruments used</li> <li>- The bodies informed</li> <li>- Describe how data protection issues are dealt with under these arrangements</li> </ul>

<p><b>Q9.</b></p>	<p>Are there any arrangements (bilateral, multilateral agreements) in place that allow for the exchange of information/knowledge about detected suspicious betting behaviour between the bodies concerned (national authorities (regulators, international police/investigative units, international public prosecutors etc.), sports organisations, betting operators) at <u>international level</u>?</p>
<p><b>a)</b></p>	<p>If so, please specify the type of information and knowledge shared?</p> <p>When answering please:</p> <ul style="list-style-type: none"> <li>- Specify the instruments used</li> <li>- The bodies informed</li> <li>- Specify how data protection issues are dealt with under these arrangements</li> </ul>

<b>Q10.</b>	Are there any problems in the sharing of information cross-border and internationally concerning suspicious sports betting activity?
<b>a)</b>	If so, please list and describe. Please take into account whether the reasons are mainly legal (e.g. data protection issues) or operational (lack of coordination and of exchange of information).
<b>b)</b>	How could the exchange of information be improved? Please explain and provide examples

<b>Q11.</b>	What role could EU institutions play to improve the exchange of information bilaterally and internationally?
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## 4. Appendix F. Overview of responses to questionnaires

	National Regulator	National Lottery	Private Betting Operator
Austria	Y	Y	Y
Belgium	Y	Y	N
Bulgaria	Y	N	N
Croatia	Y	Y	Y
Cyprus	Y	N	N
Czech Republic	Y	Y	N
Denmark	Y	Y	Y
Estonia	Y	Y	N
Finland	Y	Y	N
France	Y	N	Y
Germany	N	Y	Y
Greece	N	Y	Y
Hungary	Y	Y	Y
Ireland	Y	Y	Y
Italy	Y	Y	Y
Latvia	Y	Y	N
Lithuania	Y	Y	Y
Luxembourg	Y	Y	N
Malta	Y	N	N
Netherlands	Y	Y	N
Poland	N	Y	Y
Portugal	Y	Y	Y
Romania	N	Y	N
Slovakia	Y	Y	N
Slovenia	Y	Y	N
Spain	Y	N	Y
Sweden	Y	Y	N
United Kingdom	Y	Y	Y

## 5. Appendix G. Respondents to the questionnaire for gambling regulators

Austria	Österreichischer Fußball-Bund
Belgium	Belgian Gaming Commission
Bulgaria	State Commission on Gambling
Croatia	Ministry of Finance, Tax Administration
Cyprus	National Betting Authority
Czech Republic	Ministry of Finance, Gambling and Lottery Supervision Department
Denmark	Danish Gambling Authority
Estonia	Ministry of Finance
Finland	Ministry of Education and Culture
France	French Online Gaming Regulatory Authority
Germany	/
Greece	/
Hungary	Ministry for National Economy, Department of Tax and Customs Administration
Ireland	Department of Transport, Tourism and Sport
Italy	Autonomous Administration of State Monopolies
Latvia	Lotteries and Gambling Supervisory Inspection
Lithuania	Department of Physical Education and Sports
Luxembourg	Ministry of Justice
Malta	Lotteries and Gaming Authority
The Netherlands	Gaming Control Board
Poland	/
Portugal	Santa Casa da Misericórdia de Lisboa
Romania	National Office for Gambling
Slovakia	Ministry of Finance
Slovenia	Ministry of Finance
Spain	Directorate General for Gambling Regulation
Sweden	Swedish Gambling Authority
United Kingdom	The UK Gambling Commission

## 6. Appendix H. Respondents to the questionnaire for gambling operators

The table below gives an overview of the responses received from national lotteries and private betting operators.

Country	Lottery
AUSTRIA	Österreichische Lotterien/tipp3
BELGIUM	Belgian National Lottery
BULGARIA	/
CROATIA	Hrvatska Lutrija d.o.o.
CZECH REPUBLIC	SAZKA sázková kancelář, a.s.
DENMARK	Danske Spil
ESTONIA	No national lottery
FINLAND	VEIKKAUS OY
FRANCE	La Française des Jeux
GERMANY	Staatliche Lotterieverwaltung Bayern – on behalf of lotteries in Germany
HUNGARY	SZERENCSEJATEK ZRT.
IRELAND	No national lottery
ITALY - Lottomatica	GTECH (former Lottomatica)
ITALY – Sisal	Sisal Spa
LATVIA	No national lottery
LITHUANIA	No national lottery
LUXEMBOURG	No national lottery
MALTA	/
THE NETHERLANDS	Sports Betting Manager, Delotto
POLAND	Totolotek S.A.
PORTUGAL	Only per-mutuel betting
ROMANIA	Loto
SLOVAKIA	TIPOS
SLOVENIA	Sportna Loterija
SPAIN	Not able to fill in questionnaire to due legal barriers
SWEDEN	AB Svenska Spel
GREECE	OPAP S.A.
UK	No national lottery
CYPRUS	No national lottery



Replies from private betting operators:

- Bwin
- Stanleybet
- William Hill
- Betclic
- Bet 365 (via telephone)
- Tipico
- Betfair

## 7. Appendix I. List of experts interviewed for the project

Organisation	Name
International Olympic Committee (IOC)	Pâquerette Girard-Zapelli
ESSA	Khalid Ali
Betfair	Russell Wallace
Sportradar / Betradar	Darran Small / Andreas Krannich
UK Gambling Commission	Nick Tofiluk and Lorraine Pearman
UK Gambling Commission	Lorraine Pearman
UEFA	Dr. Emilio García
FIFA	Ralph Mutschke
Council of Europe – EPAS	Stanislas Frossard
Europol - The Joint Investigation Team	Nick Garlic
The European Lottery Monitoring System	Chris Chronow Rasmussen
European Gaming & Betting Association	Florian Cartot
Unibet and Kambi	Liv Biesemans and colleagues
The Danish Gambling Regulator	Kia Hee Gade
Danske Spil (Danish National Lottery)	Chris Chronow Rasmussen / Mikkel Grønfeldt
DIF (Danish Sports Confederation)	Jesper Frigast Larsen
Directorate General for Gambling Regulation (ES)	Juan Espinosa García
ADM (Italian Betting Regulator)	Luca Turchi
The Finish Gambling Regulator	Heidi Sulander
VEIKKAUS OY (Finnish Gambling Regulator)	André Noël Chaker
The Finish Football Association	Pertti Sub
Bet 365	Jon Moss
The English Football Association (FA)	Darren Bailey
Vvcs (the Dutch Players Union)	Danny Hesp
Dutch Ministry of Sport	Wendela Kuper
Francaise de jeux	Thierry Pujol
Royal Dutch Football Association	Wouter Boshuizen
Previous Director of the Dutch Lottery and the European Lotteries	Tjeerd Veenstra
Hrvatska Lutrija d.o.o.	Ilijas Krpo

## 8. Appendix J. Selection of third sport

The “study on the sharing of information and reporting suspicious betting activity in EU 28” will focus on football, tennis and a third sport. The third sport can vary from country to country. This note explains how the third sport has been selected.

The focus of the present study is sports where betting occurs. This is opposed to rates of participation in a sport. The sports in focus for the present study are those that include competitions at the elite level, with professional or semi-professional participants competing in an organised series of competitions that generate a degree of interest from the public in general and in particular from the sports-betting industry. The information on the relative popularity of sports in each country is scattered. A 2011 article in *The Economist*, entitled “Ranking sports’ popularity - And the silver goes to...,”<sup>35</sup> there are numerous challenges to ranking any sport, with the exception of football, which by any measure is very popular. Measures of popularity could include participation, attendance at live events, television viewership, media coverage, revenue generated by the sport, or a number of different measures. Our search confirms these challenges.

Moreover, whichever parameter was used as a proxy for ‘popularity,’ there is a surprising lack of publically-available data in any of the categories. For this study a systematic search was performed, searching for reliable publications that contained data comparing the relative popularity of particular sports, either across Europe or within individual countries. While information on which sports are more closely followed could be found for Asian cities,<sup>36</sup> within certain countries,<sup>37</sup> and on participation in some form of activity or sport,<sup>38</sup> there is a paucity of clear information on the relative popularity of spectator sports. This is surprising, given the complementary industries that have been established based on the popularity of certain spectator sports and the attention paid to the development of sports at all levels.

A number of publications draw on selective sources of information to discuss the impact of sports. The present report was fortunate to have been able to draw on the comprehensive and rigorous report, “Study on the funding of grassroots sports in the EU,”<sup>39</sup> as a starting point for the selection of a third sport in each European country. The main benefits of the study include the careful attention to specific sports within each of the Member States, the clear categorisation, and the standardised approach to collecting data to support each of the parameters of participation. The study used a structured set of criteria to select a smaller sample of disciplines to be retained for closer analysis, including varying degrees of technicality, participation rates in clubs and leagues, potential to attract a diverse participant based, as well as cultural and economic impact. The study benefited from a questionnaire sent to each national Ministry in charge of sport in each country. The selection criteria includes a discussion of the social dimension as well as a ‘threshold effect’ in that broad

<sup>35</sup> <http://www.economist.com/blogs/gametheory/2011/09/ranking-sports%E2%80%99-popularity>

<sup>36</sup> See: <http://www.hakuhodo.jp/pdf/2012/20120725.pdf>

<sup>37</sup> <http://www.ipsos-mori.com/researchpublications/researcharchive/928/Rugby-Union-Britains-Second-Most-Popular-Sport.aspx>

<sup>38</sup> The survey found a significant variation in the active participation across member states: [http://ec.europa.eu/sport/news/eurobarometer-survey-on-sport-and-physical-activity\\_en.htm](http://ec.europa.eu/sport/news/eurobarometer-survey-on-sport-and-physical-activity_en.htm)

<sup>39</sup> [http://ec.europa.eu/internal\\_market/top\\_layer/services/sport/study\\_en.htm](http://ec.europa.eu/internal_market/top_layer/services/sport/study_en.htm)

popularity can complement and reinforce a sport's mobilisation at all levels, which is very relevant for the present study.

However, the focus of the present study is somewhat different from a study on grassroots participation. Mainly, while grassroots participation in a given sport is a significant measure of the relative popularity in a country, it cannot be used as a single selection criterion for a study on sports betting, given the focus of the study. For example, according to the results of the study on grassroots participation, gymnastics would be the third sport in Germany, Denmark, and Spain, which is not a suitable field of competition linked to sport-related betting. Other challenges include examples such as the popularity of cycling in Belgium. While there is a governing body and competition, there are limited options for betting on strictly Belgian competitions, and betting options are generally focused on large, international events.

This report has therefore focused on three parameters, in the following order:

- Evidence of high participation
- Prominence in national sporting landscape
- Presence of elite/professional leagues
- Availability of betting options offered by leading book-makers

The selections were manually checked against descriptions of sporting cultures within each of the countries, using a search of national sporting web pages<sup>40</sup> to determine if the sport was profiled and generated broad, mainstream interest. Web pages of elite or professional leagues and clubs were then reviewed to determine if the sport warranted further inclusion and if interviews at a later stage would be feasible. Finally, a sampling of bookmakers in general for each sport was undertaken. Sports where no betting options were offered or where elite competitions were not held were not included in the list and a replacement was found.

**Table J.1: Third Sports in Member States (non-football, non-tennis)**

Country	Sport	Selection Rationale
Austria	Handball	Evidence of high popularity, with well-established club system and options for betting.
Belgium	Basketball	Evidence of high popularity, with well-established club system at national and international level. Betting options available for Ethias League competitions.
Bulgaria	Volleyball	Highly popular at all levels, with professional league and prominence within the national sporting landscape

<sup>40</sup> For example: Denmark: <http://denmark.dk/en/lifestyle/sport/> or Latvia: <http://www.latvia.lv/library/sports-latvia> . Website for all EU 28 countries were included within the search.

Croatia	Handball	Highly popular at all levels, with participation in international league and prominence within the national sporting landscape
Cyprus	Basketball	Popular, with structured league that produces elite players and strong performance in international competition. Betting options available for local leagues.
Czech Republic	Ice Hockey	Popular, with structured elite league and participation in international leagues. Betting options available for both leagues, especially the Czech <i>Extraliga ledního hokeje</i> , ELH)
Denmark	Handball	Evidence of high popularity, with well-established club system and options for betting.
Estonia	Basketball	Highly popular, with strong media coverage and betting options available for Korvpalli Meistriliiga
Finland	Ice Hockey	Evidence of high popularity, with well-established club system at national and international level. Betting options available for international league participation.
France	Handball	Evidence of high popularity, with well-established club system and options for betting.
Germany	Handball	Evidence of high popularity, with well-established club system and options for betting.
Greece	Basketball	Evidence of high popularity, with well-established club system and options for betting for Greek A1 league.
Hungary	Handball	Evidence of high popularity, with well-established club system and options for betting.
Ireland	Gaelic football	High popularity, with well-established club system, very detailed press coverage, and options for betting for GAA league.
Italy	Basketball	Evidence of high popularity, with well-established club system and options for betting for all levels, including new options for Lega A and LNP Gold
Latvia	Basketball	Evidence of high popularity, with well-established club system and options for betting.
Lithuania	Basketball	Evidence of high popularity, with well-established club system and options for betting.
Luxembourg	Basketball	Evidence of high popularity, with well-established club system and options for betting.
Malta	Horse racing	Very high level of media coverage and support for horse racing. Betting options available and well established.
Netherlands	Volleyball	High popularity at all levels, including elite level, with well-established club system and options for betting.

Poland	Basketball	High popularity at all levels, including elite level. Long tradition of elite competition, with media coverage in local and international competition. Well-established club system and options for betting on TBL league play.
Portugal	Handball	Evidence of high popularity, with well-established club system and options for betting in Andebol 1.
Romania	Basketball	Evidence of high popularity, with well-established club system and options for betting in the elite league, Divizia A.
Slovakia	Ice Hockey	Popular, with structured elite league and participation in international leagues. Betting options available for the extra league.
Slovenia	Basketball	Evidence of high popularity, with well-established club system and options for betting (including in the Telemach League and Adriatic League)
Spain	Basketball	Evidence of high popularity. Betting options available for Spanish Liga ACB
Sweden	Ice Hockey	Evidence of high popularity, with well-established club system and options for betting for SHL and the second-tier, Allsvenskan.
United Kingdom	Rugby Union	Evidence of high popularity (2003 MORI poll <sup>41</sup> ), with well-established club system

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<sup>41</sup> See: <http://www.ipsos-mori.com/researchpublications/researcharchive/928/Rugby-Union-Britains-Second-Most-Popular-Sport.aspx>

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